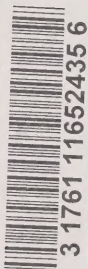


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# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 225

DATE: Wednesday, August 15, 1990

BEFORE:

A. KOVEN

CHAIRMAN

E. MARTEL

MEMBER



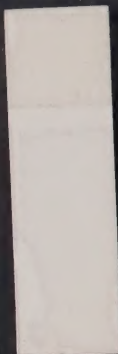
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the  
Honourable Jim Bradley, Minister of the  
Environment, requiring the Environmental  
Assessment Board to hold a hearing with  
respect to a Class Environmental  
Assessment (No. NR-AA-30) of an  
undertaking by the Ministry of Natural  
Resources for the activity of timber  
management on Crown Lands in Ontario.

-----  
Hearing held at the offices of the Ontario  
Highway Transport Commission, Britannica  
Building, 151 Bloor Street West, 10th Floor,  
Toronto, Ontario, on Wednesday, August 15th,  
1990, commencing at 9:00 a.m.

-----  
VOLUME 225

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member





A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH )	MINISTRY OF NATURAL
MS. K. MURPHY )	RESOURCES
MR. B. CAMPBELL )	
MS. J. SEABORN )	MINISTRY OF ENVIRONMENT
MS. B. HARVIE )	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA )	ONTARIO FEDERATION OF
DR. T. QUINNEY )	ANGLERS & HUNTERS
MR. D. HUNTER )	NISHNAWBE-ASKI NATION
MS. N. KLEER )	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
MR. P. SANFORD )	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION





APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD )	
MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK )	MUNICIPAL COMMITTEE
MR. D. SCOTT )	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS
	OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH )	
MR. J. EBBS	ONTARIO PROFESSIONAL
	FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM
	ASSOCIATION OF ONTARIO
MR. D. COLBORNE )	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD )	
MR. R. REILLY	ONTARIO METIS &
MR. C. REID	ABORIGINAL ASSOCIATION
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	FORESTRY (CENTRAL
	ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN
	DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY
	ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON
	WATCHDOG SOCIETY



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APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DALE MUNRO,</u>	
<u>MICHAEL R. INNES,</u>	
<u>WAYNE DOUGLAS YOUNG,</u>	
<u>LEN SUOMU,</u>	
<u>RICHARD DEAN FRY, Resumed</u>	40826
Continued Cross-Examination by Mr. Hanna	40826
 PROCEDURAL MATTERS	 41006-41038





1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Good morning. Please be  
3 seated.

4 Mr. Hanna?

5 MR. HANNA: Good morning, Madam Chair,  
6 Mr. Martel.

7 You had asked me yesterday evening to  
8 provide you with some estimate in terms of my  
9 cross-examination. In keeping with my history with  
10 this hearing of spending long nights when the Board  
11 gives me those sort of requests, I spent another long  
12 night - maybe it was a short morning, I'm not sure  
13 which it was - but anyways, I have looked through my  
14 cross-examination and I decided I would tell you first  
15 the bad news and then the good news.

16 The bad news is I had over 700 questions  
17 for this panel and the further bad news was we had  
18 reached to about 300. I did, however, go through and  
19 review the remaining questions and found that there are  
20 a number that have been answered as a result of the  
21 responses that I have had from this panel and, as a  
22 result, I expect that the remainder will go much more  
23 quickly than the first half.

24 The other measure that I have used in  
25 terms of what's remaining in terms of my

1 cross-examination is the witness statement itself.

2 What I have attempted to do in structuring my

3 cross-examination is to go through that witness

4 statement section by section in order that I and the

5 Board and all other parties fully understand the

6 Industry's position and, as I said before, that no

7 stone was left unturned. We're about halfway through

8 the witness statement according to where I've achieved

9 at the present time. Now, my expectation at this time

10 is that I will not be able to finish today. I see no

11 reason that -- I can't anticipate me not being finished

12 by the end of tomorrow, I can't see any reason that

13 that won't occur.

14 But I did speak to my client on several

15 occasions on this matter. I spoke to my client right

16 at the very beginning of my preparation for this

17 cross-examination and I spoke to him, I said: Listen,

18 for me to really go into this in detail is a

19 considerable amount of my time - and they do pay me for

20 my time - and it's a lot of investment to them to have

21 me undertake a detailed and in-depth analysis and

22 preparation of cross-examination.

23 And they said: Yes, we want that done.

24 And the reason that they wanted that done is for the

25 reasons I have provided to you the other day. We feel

1       this is very important, what the Industry is proposing.  
2       We feel that there may well be much commonality between  
3       what the Industry is proposing and what my client wants  
4       to see but we're concerned, we're concerned that there  
5       is no, how should I say, apparent commonality that  
6       isn't actually commonality. And we're also encouraged  
7       in terms of the direction that the Industry is  
8       proposing in going but, as I said before, it's a new  
9       direction, it's something that hasn't been tested, the  
10      only place it's going to be tested is in this room and  
11      that it's imperative that that testing is done in a  
12      thorough and effective way.

13                   The system the Ministry of Natural  
14      Resources has brought forward to us has been tested and  
15      the test perhaps has shown some flaws in it, but at  
16      least we know it's out there, we at least know what  
17      we've got. We don't have that same opportunity with  
18      what the Industry is proposing, we won't have that  
19      opportunity with what the Federation is going to  
20      propose, and I would say to the Board that the planning  
21      panels of the parties' evidence is really what this  
22      hearing is all about and it certainly is what we have  
23      focused on and I have aceded to the Board's request in  
24      all of the preceding Industry panels in attempting to  
25      be as efficient and focused in my cross-examination



1 with respect to those activity panels with the  
2 understanding, and as I said, Madam Chair, the  
3 transcripts of those cross-examinations are filled with  
4 examples where we have said: Okay, that's a planning  
5 issue let's deal with it in Panel 10, and I have abided  
6 by that as best I can.

7 What I propose to the Board then is that  
8 I proceed. I will proceed in the most thorough and  
9 comprehensive way I can but, by the same token, I will  
10 be extremely cognizant of being expeditious and  
11 avoiding any redundancy in any of the questions I put  
12 to the panel, but it is my intent to follow through the  
13 witness statement at the level of detail I have been  
14 proceeding to ensure that we have a full understanding  
15 of what the Industry is proposing.

16 MADAM CHAIR: You have had about a day  
17 and a half I think in actual hearing time so far, Mr.  
18 Hanna, so I think that we will still expect you to be  
19 pretty close to finishing this evening when we rise.  
20 That will be almost half as much time as you've had so  
21 far.

22 Mr. Freidin, how many days are you -- or  
23 how much time are you anticipating for  
24 cross-examination?

25 MR. FREIDIN: It's difficult. I think I

1 will be at least a day. Based on the estimate by the  
2 Ministry of the Environment and based on my  
3 understanding that we have next week set aside, I mean  
4 I would like to finish before the end of next week, I  
5 don't believe that I will be prejudiced and based on  
6 Ms. Seaborn's estimate I don't believe she will be  
7 prejudiced even if Mr. Hanna took the week.

8 So I don't think we will be prejudiced by  
9 that, but on the other hand, the sooner we can break  
10 and get on to preparing for other matters the better,  
11 but I don't think I will be prejudiced if Mr. Hanna  
12 needs the two days.

13 MADAM CHAIR: All right. So you don't  
14 think you will be longer than a day?

15 MR. FREIDIN: Well, no, I can be longer  
16 than a day. We have three days next week and Ms.  
17 Seaborn said half a day, that gives me a full day extra  
18 and her a full half a day extra. I can't see any  
19 problem.

20 MADAM CHAIR: All right, fine. Mr.  
21 Cosman?

22 MR. COSMAN: Yes. In terms of  
23 re-examination, the questioning is pretty thorough and  
24 to date I don't have a lot of re-examination. Of  
25 course the extent of re-examination depends upon

1       unanswered questions or questions that are left  
2       hanging. By reason of the thoroughness I think many of  
3       the questions that I had put notes beside have been  
4       answered, so at the present time I do not have a very  
5       long re-examination. There is maybe an hour at the  
6       most, and that even may diminish as this continues.

7               But I think quite clearly, based on the  
8       estimates that have been given, that we will be  
9       finished, I bet, by the end of Tuesday.

10              MADAM CHAIR: All right. Proceed, Mr.  
11       Hanna.

12              MR. HANNA: Thank you, Madam Chair.

13              MADAM CHAIR: Thank you.

14              DALE MUNRO,  
15              MICHAEL R. INNES,  
16              WAYNE DOUGLAS YOUNG,  
              LEN SUOMU,  
              RICHARD DEAN FRY, Resumed

17       CONTINUED CROSS-EXAMINATION BY MR. HANNA:

18              Q. Panel, we left off yesterday dealing  
19       with the tables from Exhibit 814, the silvicultural  
20       ground rules from the Red Lake Crown Management Unit  
21       timber management plan, and I believe we were  
22       discussing this matter of multiple silvicultural  
23       prescriptions that would be possible for each of the  
24       sites, each of the working groups. Do you recall that?

25              Perhaps -- Mr. Innes, I hate to keep



1       fingering you, but I think I will start with you and  
2       you can feed it off to your panel. That was where we  
3       left off you recall?

4                   MR. INNES: A. That's correct.

5                   Q. Now, I had asked a question, I think  
6       we got somewhat sidetracked on it, and that was, I had  
7       asked a question: At what point in the planning  
8       process will the final determination be made as to the  
9       specific silvicultural activity or suite of activities  
10      that will occur on a specific site?

11                  A. If we deal -- if I define the term  
12      specific site as that listed in site description in the  
13      silvicultural ground rules, for example, as in the Red  
14      Lake plan.

15                  Q. Mr. Innes, just so we don't waste  
16      time here, the specific site in my term would be a  
17      specific stand. I have a stand on the ground.

18                  A. On the ground.

19                  Q. And I want to know, I am a member of  
20      the public and I want to know -- it's right beside my  
21      cottage and I want to know what is going to happen with  
22      that stand. When do I finally know specifically how  
23      it's going to be cut, what sort of site preparation is  
24      going to take place, what sort of regeneration is going  
25      to take place, what sort of tending is going to take

1 place. When do I know those specifics for that stand?

2 A. I'm going to have to ask for  
3 assistance from someone closer to the planning process  
4 here.

5 MR. MUNRO: A. In terms of when a  
6 specific stand will have a prescription assigned to it,  
7 I think we went over that yesterday, and the specific  
8 prescription would be selected from the range of  
9 prescriptions that is approved in the five-year plan  
10 during the preparation of the annual work schedule.

11 It's not -- we are not proposing that we  
12 deal with specific stands and detailed prescriptions in  
13 the timber management plan; what we are proposing is  
14 that the plan author get together with the technical  
15 experts and produce a table similar to what Mr. Hanna  
16 has described or has presented from the Red Lake plan.

17 Our proposal would be that that table  
18 would be developed as the initial proposal, not a final  
19 proposal, as part of the proposed future operations and  
20 that would be taken to the advisory committees and the  
21 general public for their comments and input.

22 So I would suggest if an individual had a  
23 concern; i.e., their cottage and the specifics of  
24 what's going to happen in the individual stand adjacent  
25 to that cottage, that they would raise that through the

1 public participation exercise and it would allow the  
2 plan author and the technical experts to discuss the  
3 concerns that the individual has in some detail at that  
4 time and perhaps provide a detailed prescription if it  
5 was warranted, or perhaps they could alleviate the  
6 individual's concern and simply say: One of the  
7 following prescriptions will be applied on an annual  
8 work schedule basis. And that's how we are proposing  
9 to deal with it.

10 If the individual does not feel that  
11 that's appropriate they still can go through the  
12 enhanced planning process and they still can go through  
13 the avenue of bump-up, if that was necessary.

14 So we feel we have provided a number of  
15 opportunities for open dialogue and what will happen in  
16 a specific area where an individual has a concern with  
17 the application of the prescription at some point in  
18 time.

19 Q. Okay. Just so -- I know it's an  
20 important issue and I'm not in my way trying to  
21 belittle it, but the whole concept of public dialogue  
22 and whatever, I think the Board clearly understands  
23 that and whatever, so that I appreciate that.

24 What I am interested in is, say the --  
25 let's just say a cottage owner has a concern about this



1 stand and he comes to you and he says: I want the  
2 enhanced planning process to kick in for that stand.  
3 That could happen?

4 A. First, under our proposal what would  
5 happen is the individual would identify the concern,  
6 the plan author is obligated under our process to  
7 dialogue and communicate with that individual. If they  
8 can come up with a solution, it's presented in the  
9 plan; if they are still in disagreement, the plan  
10 author puts forward a plan activity in the draft plan.  
11 At that point if the individual with the concern still  
12 has a concern, the enhanced planning process is invoked  
13 and the documentation begins immediately.

14 If they cannot resolve their differences  
15 or come up with a plan that is acceptable to both  
16 individuals, the district manager makes a decision and  
17 the district manager is responsible for ensuring that a  
18 decision is made, and that is what's presented in the  
19 final plan.

20 At that point in time both the company,  
21 or it could be the Ministry since they write a number  
22 of plans too, has the bump-up provision available to  
23 them.

24 Q. Mr. Munro, I mean this with all  
25 respect. I just want to try and deal with the narrow

1 part, I'm not in any way trying to circumvent the  
2 planning process that you set out, we understand the  
3 steps and all of those sorts of things. I am just  
4 trying to deal with the specifics here, if we can, so  
5 that this will go much faster if we just try and deal  
6 with those.

7 Now, you said the enhanced planning  
8 process will only kick in at the draft plan stage, you  
9 can't have the enhanced planning process before that?

10 A. Not formally.

11 Q. Okay.

12 A. Obviously if we are dealing with  
13 people directly, that in my mind is a form of enhanced  
14 planning but it's not a formal process, it's a process  
15 where we continue to dialogue.

16 I believe the reason -- or the best  
17 reason that we have the enhanced planning process is to  
18 deal with the proposed activity in a draft plan as  
19 opposed to something that hasn't been discussed at some  
20 length prior to that.

21 Q. And the difference between those two  
22 is in the formal enhanced planning process there would  
23 be documentation, prior to that there wouldn't be the  
24 same amount of documentation?

25 A. Not the same level, Mr. Hanna. What

1 we are recommending is that any public participation be  
2 documented and forms part of the supplementary  
3 documentation, and to give an example of that if that  
4 would help. If the cottager had a specific concern and  
5 phoned the office of the plan author or the Ministry,  
6 that concern would be written down.

7 Q. At what stage now, this is at the  
8 pre-planning phase before the draft plan is prepared?

9 A. It's as soon as that concern is  
10 identified.

11 Q. Okay.

12 A. The plan author or the Ministry is  
13 obligated to write it down or at least deal with that  
14 individual. So it's documented that the individual has  
15 a concern. It could be that the individual writes a  
16 letter. All that documentation forms part of the  
17 supplementary documentation and is available for public  
18 perusal during the draft plan stage.

19 Q. But I still don't understand the  
20 difference between the formal and informal. You said  
21 formal only kicks in at the draft plan stage; correct?

22 A. Right.

23 Q. Now, what is the difference between  
24 the informal and the formal?

25 A. The difference would be that the

1 formal process ensures that possibly on-site visits  
2 occur and that all individuals involved, including the  
3 Ministry, becomes aware that discussions are occurring.

4 The informal process could be that we  
5 deal with the individual, we convince the individual  
6 that the plan activity is appropriate and they no  
7 longer have a concern, therefore, we don't have to  
8 spend a lot of time and effort documenting what action  
9 we take after that and we simply alleviate the  
10 individual's concern.

11 Q. Okay. Now, let's take the situation  
12 of the cottager concerned with the stand. We would go  
13 through the enhanced planning process, the draft plan  
14 comes forward, and let's just take as an example it's  
15 Sb 4 which is shown on page 57 which is a black spruce  
16 stand on deep, well-drained mineral soils. Nice place  
17 for a cottage.

18 MADAM CHAIR: I have got it somewhere,  
19 Mr. Hanna. We will share one.

20 MR. HANNA: Q. Now, the cottage owner is  
21 concerned about this stand that's in that working group  
22 behind his cottage and he wants to know whether it's  
23 going to be full-tree logged, whether it's going to be  
24 tree-length or shortwood, whether it's going to be  
25 slashed on site or whether it's going to be slashed at



1 roadside, what type of site preparation, whether it's  
2 going to be sprayed with herbicides.

3 And you dialogue with him and you reach  
4 an agreement as to what's appropriate. Theoretically  
5 then you could come up with a specific set of  
6 prescriptions for that stand and that could be included  
7 in the silvicultural ground rules and that stand listed  
8 as, for all intents and purposes, a working group in  
9 itself or somewhere else in the plan.

10 How would it take place?

11 A. Madam Chair, I think the best spot  
12 for that to occur if there is an agreement on the plan  
13 activity would be on the FRI map. Obviously the  
14 individual owns the cottage, therefore, that shows up  
15 as a value on our values map and that value is  
16 transferred to the FRI map.

17 If an agreement was reached and there was  
18 some specific detail attached to it, what we are  
19 recommending in our proposal is that that would show up  
20 on the FRI map, for the main reason that that would  
21 allow other individuals to come in and look at the map  
22 and identify if they had any concerns regarding that  
23 agreement that was reached. As we explained in earlier  
24 evidence, the map is the most powerful communication  
25 tool that we have available and that's why it would

1 show up there.

2 It would also show up in part of the  
3 supplementary documentation because what would happen,  
4 as we dealt with the individual we would ensure that  
5 the agreement was put to paper and sent to that  
6 individual and that correspondence would show up in the  
7 plan itself.

8 And those are the two places that I can  
9 think offhand that it would show up. To put it in the  
10 silvicultural ground rules would be inappropriate since  
11 it doesn't really fit there. What you're dealing with  
12 is a value and the protection of that value and the  
13 detailed operations that are going to occur.

14 What the silvicultural ground rules are  
15 is a range of acceptable practices for specific forest  
16 units that have been developed between technical  
17 experts and the plan author. It's basically the  
18 science that's available dealing specifically with  
19 silvicultural activities opposed to protecting values,  
20 and that that is why it wouldn't show up there.

21 MR. YOUNG: A. If I can also add, Madam  
22 Chair. If that concern and value were elevated to the  
23 enhanced planning process, we would also document that  
24 prescription on page 106 of the plan which is Table 5B  
25 which is the summary of any value that is elevated to

1 the enhanced planning process.

2 MADAM CHAIR: Excuse me, what page was  
3 that, Mr. Young?

4 MR. YOUNG: Page 106 of our witness  
5 statement, Madam Chair. So there would be a specific  
6 prescription for that stand if you call -- as you  
7 indicated, outlined on here as well as on the FRI if  
8 that was elevated to the enhanced planning process, Mr.  
9 Hanna.

10 MR. HANNA: Q. Thank you, Mr. Young.  
11 And that number that is shown in the far lefthand  
12 column would be the stand number which would correspond  
13 to the stand number on the FRI map?

14 MR. YOUNG: A. It could. It could also  
15 correspond to an identified value.

16 Q. I see.

17 A. If an identified value was a cottage,  
18 it could be identified on the map as value No. 12  
19 corresponding to Table 5B.

20 MR. MUNRO: A. And that would occur with  
21 the enhanced planning process as you advised.

22 MR. YOUNG: A. Yes, yes.

23 MADAM CHAIR: Excuse me. That's in the  
24 executive summary or in the...

25 MR. YOUNG: That's actually --

1 MADAM CHAIR: That table shows up in the  
2 database?

3 MR. YOUNG: That is actually in the plan,  
4 Madam Chair.

5 MR. MUNRO: That would show up in the  
6 plan.

7 MR. HANNA: Q. Okay. Thank you, Mr.  
8 Young. Now, Mr. Munro, that level of specification  
9 where there was an identified value would be acceptable  
10 to the Industry and consistent with your planning  
11 process; is that a fair statement?

12 MR. MUNRO: A. That is our proposal,  
13 correct.

14 Q. Now, as part of the enhanced planning  
15 process in that particular case, say the individual had  
16 a concern with respect to the spraying of glyphosate as  
17 opposed to manual tending, that would appear as an  
18 alternative as part of your enhanced planning process  
19 and if the Industry felt strongly that glyphosate was  
20 really the appropriate silvicultural treatment for the  
21 stand, those alternatives would be evaluated and that  
22 would be part of the enhanced planning process?

23 A. That's correct, it would be.

24 Q. Now, that deals with what we termed  
25 the static type effect. Remember way back we talked



1 about static and dynamic. And we talked also yesterday  
2 about the dynamic type effect, Mr. Suomu you were  
3 discussing with me, and that was when we talk about  
4 blueberries and setting objectives and how we will deal  
5 with all the remaining part of the landscape.

6 And I think where we left off there was  
7 that that would be dealt with by trying to establish an  
8 objective for whatever benefit or resource value that  
9 you were trying to achieve off the landbase; is that  
10 correct, at least with respect to the timber component  
11 of that?

12 A. That's correct.

13 Q. Now , I would like to refer you to  
14 some evidence that was provided in Panel 7 of the  
15 Industry's evidence, and that was a discussion I had  
16 with Dr. McCormack and I would like you to look at  
17 Volume 208 starting on page 37130.

18 MR. FREIDIN: Mr. Hanna, if you're going  
19 to be referring to excerpts from the transcript, if you  
20 could provide me with notice so I could have my copies  
21 here, please.

22 MR. HANNA: (handed)

23 MR. FREIDIN: That's just as good. Thank  
24 you very much.

25 MADAM CHAIR: Excuse me, Mr. Hanna.

1 Before we move on, just for my notes, the map Mr. Munro  
2 was referring to, was that our Exhibit 1276 sample  
3 operating map?

4 MR. MUNRO: Yes.

5 MADAM CHAIR: Thank you.

6 MR. HANNA: Thank you, Madam Chair, I  
7 meant to indicate that also.

8 MR. MUNRO: Sorry, Mr. Hanna, I missed  
9 the page.

10 MR. HANNA: Q. 37130.

11 MR. MUNRO: A. 130?

12 Q. Yes. And I was speaking here to Mr.  
13 McCormack about a component in his witness statement  
14 which stated that the Industry was wishing to have a  
15 greater range of silvicultural tools available to them  
16 to tending, particularly chemical herbicides so they  
17 would be able to be more selective and specific and  
18 effective in the use of the tools.

19 And I was discussing with him, if you  
20 just skim over that, the implications that that had in  
21 terms of manipulating forest vegetation. And if you  
22 turn over to the top of page 37131, I asked him when we  
23 were talking about changing the relative proportions of  
24 the species and the species compositions of the stand,  
25 I asked him:

1 "Now, when you say species you're  
2 talking about tree species?"  
3 And his answer was:  
4 "No, I'm talking about plants."  
5 And I said again:  
6 "Commercial tree species?"  
7 And he said:  
8 "We're managing vegetation, so I am  
9 referring to all plant species that might  
10 occur on a site."  
11 And he went through a discussion about  
12 how he saw the various things, the various other types  
13 of species being dealt with. And I brought up the  
14 matter -- well, actually he brought up the matter of  
15 partridge berry.  
16 And then I finally asked him on page  
17 37132, I said to him:  
18 "And to the extent that those are  
19 important in terms of non-timber values  
20 you would agree then that that knowledge  
21 that you have developed as a researcher  
22 is important in terms of analysing these  
23 forest dynamics?"  
24 And he said:  
25 "Yes."

1                   And he went on to explain that in his  
2 practice he had encountered wildlife biologists and  
3 forest managers coming and asking him for that type of  
4 information.

5                   Now, would you agree that the knowledge  
6 that researchers have developed such as Dr. McCormack  
7 in terms of forest success with respect to  
8 silvicultural treatments and their impact not only on  
9 commercial tree species but on all other components of  
10 the forest vegetation, that that's important knowledge  
11 for the forest manager to use and to apply?

12                  A. Madam Chair, I think what has to  
13 occur is that -- indeed that could be important  
14 knowledge and if it is important probably the place to  
15 deal with it would be on a provincial type basis at the  
16 technical group, the group that reviews the  
17 silvicultural guidelines and the spraying  
18 implementation manuals, and if it was deemed by that  
19 professional group of experts, which Mr. McCormack  
20 could be one of, that it was appropriate or that it  
21 should afford some level of protection and that the  
22 manual should be revised to protect that value or at  
23 least consider it, I would think it should be included  
24 in the guidelines and the manuals for spraying.

25                  It would be somewhat difficult for an



1 individual dealing with a specific management unit to  
2 put that in context. I just can't visualize how that  
3 could be done on an individual management unit. It  
4 would have to be considered by technical experts that  
5 are considerably more knowledgeable about that impact  
6 than say a local unit forester.

7 Q. Well, if we turn to page 37181 of the  
8 same volume, I asked him exactly that question.

9 MR. FREIDIN: 37141?

10 MR. HANNA: 181.

11 Q. And I was asking him here -- he had  
12 made a statement earlier in his evidence about how as a  
13 general rule that chemical treated sites had led to  
14 more diverse vegetation and better wildlife habitat,  
15 and I believe it was mechanical site preparation, I  
16 have to go back and check, but I think that was the  
17 context.

18 And I asked him the question that:

19 "Would you expect wildlife habitat to be  
20 more diverse...", I'm reading here from

21 line 19:

22 "Would you expect wildlife habitat to be  
23 more diverse on chemically prepared sites  
24 than on mechanically prepared sites?"

25 And he answered:

1 "In a general way depending of course on  
2 the actual characteristics and mechanical  
3 treatment. There are variety of  
4 mechanical treatments even beyond those  
5 considered by Dr. Carter. So this is  
6 intended in the general sense, so if one  
7 wants to deal with specifics we have to  
8 be more specific in defining mechanical  
9 treatment, the extent of mechanical  
10 treatment across the site."

11 And he continues on and points out the  
12 need to consider the specifics of the site. That's not  
13 a new theme in this hearing; is it, and you would agree  
14 with that?

15 MR. MUNRO: A. If there was a particular  
16 problem with a certain site, I would agree that that  
17 could be identified in the guideline to provide  
18 guidance to the local forest manager.

19 Q. Included in which guideline, Mr.  
20 Munro?

21 A. Could be included in the  
22 silvicultural guidelines, could be included in the  
23 spray implementation manual.

24 Q. Can you give me an example of what  
25 you would anticipate with respect to, say we had

1 identified partridge berry. I haven't really got that  
2 much of an affinity for partridge berry, but Dr.  
3 McCormack said partridge berry, so let's just go with  
4 partridge berry.

5 Say we have partridge berry identified as  
6 a concern on some sites, now how would you deal with  
7 that?

8 A. I think it would be included in the  
9 silvicultural guidelines if we were dealing with  
10 spruce, jack pine, poplar. I am not very familiar with  
11 partridge berry either, but I would assume that it  
12 would be more prevalent in one of those working groups.

13 If it was it would be identified -- if it  
14 was identified as a value and important, there would be  
15 some guidance provided to the plan author and the  
16 forest manager at that point. If it was a value that  
17 was universally distributed amongst all working groups  
18 and across the entire forest, then it would probably  
19 show up as something that should be considered when you  
20 are doing your project descriptions for spraying and  
21 that, therefore, would show up in the actual manual  
22 itself.

23 Q. Well, Mr. Munro, you have really  
24 epitomized the dichotomy that I see that we are faced  
25 with in this whole exercise, and I think Dr. McCormack

1 also, I will use the word opined, because I think he  
2 did opine, quite well in terms of that issue also, and  
3 I am looking at page 37168.

4 Perhaps we can just start on the bottom  
5 of page 167, if I could, please. And I won't go  
6 through all the convoluted discussions of Mrs. Cronk  
7 and I leading up to this, but we were asked -- he was  
8 dealing with this issue of how to deal with forest  
9 vegetation dynamics, not just commercial tree species  
10 but all species, and he goes on, he says:

11 "In terms of making the choice among  
12 tending alternatives..."

13 A. Sorry, Mr. Hanna, where are you  
14 reading?

15 Q. Line 23, page 37167.

16 A. Okay, thank you.

17 Q. And he says:

18 "In terms of making the choices among  
19 tending alternatives, however, in making  
20 those choices the manager considers the  
21 vegetation dynamics but we are talking  
22 here about managing vegetation and what  
23 that amounts to is managing the  
24 vegetation dynamics which takes place on  
25 a site and when a tending activity is



1 imposed on a site the immediate  
2 vegetation dynamics are definitely  
3 evaluated and projected and from that  
4 follows a professional who knows the  
5 vegetation of the area and what will  
6 happen over a longer term following the  
7 tending activity."

8 And he continues on. I won't continue on  
9 there. The important thing is, Mr. Martel asked him a  
10 question:

11 "Do you consider what happens to the  
12 vegetation at that time or do you take it  
13 into consideration what happens to all of  
14 the values at that time?"

15 And he indicated:

16 "From my perspective, we definitely look  
17 at what changes in this vegetation are  
18 going to take place and how that may  
19 relate to habitats and a variety of  
20 non-plant organisms on the site, yes."

21 And Mr. Martel says:

22 "I think that is what Mr. Hanna is trying  
23 to get at, what happens when you plan."

24 And he carries over and he says:

25 "I am comfortable personally saying that

1 we are dealing with an ecosystem here and  
2 an ecosystem is composed of many  
3 different parts and/or organisms and  
4 whenever we enter and change part of the  
5 structure of that ecosystem other things  
6 change at any time and we have to be  
7 cognizant of those changes or the  
8 potential for those changes and I think  
9 that is inherent in this management  
10 process we are addressing here."

11 Now, my reading of that is he feels  
12 strongly that one must look at this in terms of an  
13 ecosystem, that one must consider more than just  
14 silvicultural ground rules for commercial tree species,  
15 that one must look at vegetation dynamics as a whole.  
16 Is that your interpretation of that also?

17 A. He's definitely saying they should be  
18 considered and I don't think I would disagree with that  
19 that they should be considered, and if it is decided at  
20 a provincial technical level that there should be some  
21 changes afforded to manuals to deal with new technology  
22 and new understanding, I would think that would be the  
23 appropriate spot.

24 And I'm not -- it's difficult until you  
25 actually know what the value is, and if it's bunch

1 berry then you can begin to assess what the impacts of  
2 herbicide spraying would be. Until somebody comes  
3 forth and identifies that, it's difficult I think  
4 you're opining in the abstract.

5 Q. What happens, Mr. Munro, when I come  
6 forward and say my value is the ecosystem, the forest  
7 ecosystem, that's the value I'm concerned about. How  
8 is that dealt with?

9 A. It's dealt with the same as we  
10 discussed, the local cottager comes in and says: I  
11 have a value. It's dealt with through the planning  
12 process. The individual and the plan author discuss  
13 what that particular value is. If it's the ecosystem  
14 maybe it's a small component of the ecosystem, it's  
15 discussed and evaluated at the advisory committee  
16 levels to -- so that the district manager and the plan  
17 author can get some feel for how important that  
18 ecosystem is or what the particular value is.

19 Really our whole planning process is  
20 designed to get to the specifics.

21 Q. But, Mr. Munro, there is --

22 MR. MARTEL: Can I ask a question. Maybe  
23 somebody can help me, but are we saying that when you  
24 start a plan you have a base of knowledge of which you  
25 work from. Is it expected that a forester would start

1 to do the whole shmere, like rewrite everything we know  
2 about everything out there related to a specific site,  
3 or are there some givens that you deal with and unless  
4 those givens are highlighted that there is a difference  
5 in this type of site type that you have to be cognizant  
6 of and aware of and deal with.

7 It just seems to me that we are into some  
8 sort of - and maybe I am wrong - some kind of  
9 discussion here this morning where many of the things  
10 that you're talking about in fact are not taken for  
11 granted but simply based on knowledge that professional  
12 people have, and that you deal with the things that are  
13 different. Maybe I'm all --

14 MR. MUNRO: Mr. Martel, that's definitely  
15 how we see it from the Industry perspective, that there  
16 is a base of knowledge that's there and available to  
17 the plan author and other technical experts and really  
18 what we should be concentrating on is those areas where  
19 people differ or have new values and have new concerns.

20 And in dealing with those concerns at the  
21 appropriate spot you are perfectly correct, there is no  
22 forest manager has all the knowledge and to sit and try  
23 and anticipate what other peoples' concerns are, what  
24 their new values will be would be a considerable waste  
25 of time. And I think what you have to deal with is



1 your common base of knowledge as you have identified  
2 the difference.

3 MR. INNES: If I could add to that, Mr.  
4 Martel, and Mr. Munro was on track with what he was  
5 saying in my opinion, and that is if you take --  
6 there's a broad basis of knowledge which has been built  
7 up based on science over a considerable period of time.

8 And the silvicultural manuals, for  
9 exampl%, in terms of the management of say white pine  
10 the known techniques for the management of white pine  
11 related to specific sites in there - carrying on from  
12 Mr. Hanna's questions - in terms of what happens if  
13 you use this herbicide on that particular site and what  
14 should that do.

15 And these have been founded on science  
16 and on practical application over time to give the  
17 forester and the wildlife manager and whoever else is  
18 involved in the forest an understanding of what will  
19 happen if you use this particular technique in  
20 management of, in this case, white pine.

21 So, no, you don't start again. And what  
22 we are saying is, if there is a reason to revise those  
23 manuals in light of new science, we propose a technical  
24 committee which is multidisciplinary and which will  
25 assess the impacts internally and deal with this on a

1 district basis rather than reinventing the technique  
2 from scratch as you go along.

3 MR. HANNA: Mr. Martel, just so that  
4 there isn't any misunderstanding in the Board's mind,  
5 the evidence that you will be hearing from my party  
6 will be that we're not suggesting that every forester  
7 be a walking encyclopaedia, to use your words, that  
8 they should understand every organism, everything that  
9 happens in the forest, but we are also saying that  
10 those things have a value, that they are important,  
11 that through the interventions that are being proposed  
12 by the Ministry being asked for approval from this  
13 Board for timber management activities we have the  
14 potential to significantly alter either the proportion  
15 of spacial distribution or stability of those various  
16 elements and that's the difficult question.

17 I think we have a solution to it. I am  
18 going to be talking about that before my  
19 cross-examination is over, but the issue that is at  
20 hand right at the moment in my view is that there is an  
21 ecosystem out there, that ecosystem is complicated,  
22 it's comprised of a great number of different elements,  
23 that through timber management we have the ability to  
24 intervene into that and to effect it and that we must  
25 be cognizant as much as we can in terms of the

1       implications.

2                       That's the position I'm coming from, just  
3       for your purposes, and I will be leading more evidence  
4       on that.

5                       MR. COSMAN: Perhaps before Mr. Hanna  
6       continues, I am just having a question in my own mind  
7       about the question that was just put.

8                       It's one thing for someone to come and  
9       say: I am concerned about a blueberry patch in my  
10      camp, can you do something about it, and that goes  
11      through the planning process; it's another thing to  
12      come to Mr. Munro with respect to one of his units and  
13      say: I am concerned about the ecosystem, the ecosystem  
14      be dealt with as a concern that goes through the  
15      planning process to the citizens committee discussing  
16      the ecosystem. And I think our position is that it's  
17      entirely inappropriate, that is something obviously  
18      that cannot be -- I'm concerned about global warming,  
19      are we going to have citizens committees around the  
20      province dealing with questions of global warming; of  
21      course not. That is something to be dealt with at the  
22      provincial technical level not at a local level.

23                      So when Mr. Hanna asked Mr. Munro when  
24      someone comes forward and says: I am concerned about  
25      the ecosystem under the proposed system of the OFIA

1 that person would be referred to the provincial  
2 committee, I would suggest and take it up there.

3 MR. MUNRO: Just to add to what Mr.  
4 Cosman was saying. That individual wouldn't be told to  
5 go away, he would be directed to the appropriate level  
6 to deal with it.

7 MR. HANNA: Q. Mr. Innes, you're a  
8 fairly travelled and worldly knowledgeable person. Is  
9 it your experience that there is considerable concern  
10 among the general populace in terms of what's called  
11 biological diversity, maintaining some, how should I  
12 say, representative ecosystem, that sort of concern  
13 with respect to forest management? Is that an uncommon  
14 concern in your experience?

15 MR. INNES: A. To be perfectly honest I  
16 have never had it mentioned in conversations, I deal  
17 with the general public, although I do read about it  
18 and I do see it on television, I do hear about it from  
19 my environmental confreres. So I would suggest it's an  
20 emerging concern, Madam Chair.

21 Q. I'm going to be coming back to this  
22 issue. Well, perhaps I will just leave it for now, we  
23 will come back to that issue.

24 Now, Mr. McCormack has indicated that the  
25 implications with respect to at least the tending



1 operations in terms of vegetation structure and in  
2 terms of some elements that might be important from a  
3 wildlife point of view are highly dependent on the  
4 chemical that's used, time of application, the  
5 application rate, and that's just dealing with chemical  
6 herbicides.

7 Now, my concern is this: If the  
8 assessment of the acceptability, social acceptability  
9 in the terms that you have used, of the silvicultural  
10 prescriptions for the forest management unit are to be  
11 decided on a five-year basis when the timber management  
12 plan is being prepared, and that it's also being  
13 decided in terms of any of the sites that fall within  
14 the appropriate category; given what Dr. McCormack has  
15 said that many of those impacts are site-specific, they  
16 may be positive or negative, how can we reliably assess  
17 whether or not the impacts would be acceptable to  
18 society when I can't even tell you whether they are  
19 going to be positive or negative until I deal with the  
20 specifics?

21 Mr. Innes, perhaps you could start off  
22 with that.

23 A. Thank you. I'll attempt to do  
24 something with it. There are many arenas of testing  
25 social acceptability and I'm sure the Board has heard a

1 lot of evidence about this in terms of the way  
2 pesticides, for example, are screened for both  
3 ecological impact, environmental impact, social  
4 acceptability, et cetera.

5 Another arena is one we just talked about  
6 a moment ago in terms of the design of the  
7 silvicultural manuals which have public input, as I  
8 understand it, to that process. We're suggesting under  
9 our planning process that opening up this arena of  
10 public testing, shall we say, procedures, et cetera.

11 As a result I think the screening process  
12 is done in a sufficient number of locations but also a  
13 sufficient number of levels that you end up with  
14 general acceptability for the majority of cases,  
15 however, there always has to be an avenue of approach  
16 if in fact a specific case does not fit, which is  
17 precisely why we have designed our planning process in  
18 the way that we have, that an individual with a concern  
19 may raise an issue, have it dealt with in a structured  
20 manner and have an avenue to recourse should there be  
21 something that doesn't fit in their opinion in terms of  
22 acceptability.

23 Q. But I don't know whether it's  
24 acceptable or not, Mr. Innes, in terms of Sb4 because I  
25 don't know whether you're going to use glyphosate or

1 2,4-D. I don't know whether you're going to spray at  
2 "x" kilograms per hectare or "y" kilograms per hectare.  
3 I don't know whether it's going to be preceded by heavy  
4 site preparation.

5 A. But you do know, Mr. Hanna, because  
6 we have described a process whereby you, if you had a  
7 concern on the ground in that area, would be able to  
8 find those answers out and have them resolved to your  
9 concern or take that issue to bump-up.

10 Q. Okay. And that's the enhanced  
11 planning process?

12 A. That is the whole process which would  
13 culminate in bump-up, leading from individual contact,  
14 through enhanced planning, through bump-up should that  
15 be necessary.

16 Q. So in the enhanced planning process  
17 if I came in and you had -- how many stands would be  
18 reasonable to say you were going to harvest in five  
19 years.

20 A. I can't answer that question. Maybe  
21 my colleagues...

22 Q. Order of magnitude?

23 MR. MUNRO: A. 1,500 stands.

24 Q. Okay. We have got 1,500 stands, that  
25 is just harvest, that's not renewal and tending. You

1 have got 1,500 stands, I say: Listen, I'm really  
2 concerned about how these stands are going to be  
3 managed because I'm concerned about the landscape out  
4 there, I'm not concerned about where my cottage is, I'm  
5 concerned about the landscape.

6 And I say: I want to know what you're  
7 going to do with each one of these stands and  
8 ultimately if I was vociferous enough and persistent  
9 enough I could get the enhanced planning process  
10 invoked and find out what's going to happen to each one  
11 of those stands?

12 MR. INNES: A. Madam Chair, we discussed  
13 that eventuality in constructing our planning process  
14 and since we're dealing with theoretical questions I'll  
15 give you a theoretical answer, and theoretically our  
16 process we propose would have to admit to you may have  
17 an enhanced planning process for 1,500 stands should  
18 that be appropriate.

19 I would think that there would be a lot  
20 of concern generated by the plan author, by the  
21 district manager, by whoever and there would be a lot  
22 of discussion involved with this, but the planning  
23 process which we have provided to this Board would in  
24 fact allow that to happen in the extreme case.

25 Q. Okay. Now, Dr. McCormack was also



1 speaking in terms of details, and I would like you to  
2 turn to 37225, that is again Volume 208.

3 A. 225?

4 Q. 225. The discussion here revolved  
5 around the fact that he had found and other researchers  
6 had found that when there were patches left within  
7 spray areas that these were beneficial in terms of  
8 wildlife. And I asked him a question on page 225, line  
9 22:

10 "And could we plan for those and spray  
11 these leave strips within the spray areas  
12 and there may be some benefit in planning  
13 those?"

14 And he answered:

15 "Well, it would be hard for me to differ  
16 with you since I've been advocating this  
17 and it has been incorporated into a  
18 wildlife management manual in the State  
19 of Maine and we have observed some  
20 benefits, but at the same time I'm not  
21 here recommending it to the managers  
22 in the area of the undertaking, that's  
23 not for me to do, I can only explain our  
24 situation in the area for which I have  
25 some input and responsibility for the

1 management of activities which go on."

2 Now, say I'm a concerned member of the  
3 public and I come forward and say: Listen, I've heard  
4 a world expert by the name of Dr. McCormack come and  
5 say leaving patches in spray areas is a good thing for  
6 wildlife, I want to make sure you're going to do that.  
7 How do I effect that in your planning process?

8 A. You can effect that or attempt to  
9 effect that in the planning process through several  
10 avenues. You will raise a concern, obviously if that  
11 is a concern that you have, and it will go through the  
12 planning process that Mr. Munro described in terms of  
13 discussion with the plan author.

14 The plan author I'm sure would bring in  
15 technical experts from the MNR in terms of wildlife  
16 management to provide advice on that and that, as I  
17 say, can lead to the whole enhanced planning process  
18 and you can try and get to the end, with no  
19 satisfaction it can lead to bump-up if it's not  
20 acceptable to you and it will be decided on an  
21 individual assessment basis.

22 An alternate route that could be followed  
23 either separately or concurrently would be to work  
24 through the plan author, through the Ministry of  
25 Natural Resources, through the advisory committees to

1 get the technical manuals changed in terms of wildlife  
2 management for that particular -- either that  
3 particular species of wildlife or through the  
4 silvicultural manuals of how that particular working  
5 group is managed, and there would be a process as we  
6 outlined to go through where those manuals, the people  
7 who write those manuals could assess that request on  
8 the basis of science, on the basis of environmental  
9 impact, on the basis of public acceptability and make  
10 changes should they be required.

11 Q. Okay. But I'm concerned about the  
12 forest in my backyard at this point and I'm interested,  
13 we've got a silvicultural manual out there and say it's  
14 been modified to say that when you spray rich black  
15 spruce regenerating stands you leave a patch, you leave  
16 intermittent patches. So it's very difficult, as I'm  
17 sure you appreciate, to say what the pattern of those  
18 patches should be because of the diversity of  
19 topography and shape of stands and whatever, so that's  
20 got to be decided at some point; right?

21 MR. COSMAN: You're saying, assuming the  
22 manual says to do it but it doesn't say how or in what  
23 pattern; that's the first thing?

24 MR. HANNA: Q. Mr. Innes, would you  
25 agree, it's very difficult to say in the manual what

1 pattern in a detailed way because of the variability  
2 and complexity of the area of the undertaking? Would  
3 the Industry want to see that?

4 MR. INNES: A. My knowledge of  
5 silvicultural manuals is becoming increasingly rusty,  
6 Madam Chair. I'm not connected with that directly. I  
7 think I should defer that to somebody, a practitioner  
8 at the field level a little closer to that.

9 Q. Mr. Fry?

10 MR. FRY: A. In the more recent  
11 silvicultural manuals that have been produced relative  
12 to the management of a particular working group there  
13 is a section in them that deals with environmental  
14 considerations.

15 I would suggest that it would be  
16 appropriate within that section to talk about the types  
17 of matters that you're referring to, what size patches  
18 might be left for what purpose and what sort of  
19 distribution in a general sense. I think that would be  
20 the place that would be appropriate. And then those  
21 manuals would be used in the same way as the moose  
22 management manual would be used to develop your  
23 operations.

24 Q. Right. And that would give you -- as  
25 I understand it, the Industry wants some flexibility in

1 that, you don't want a cookbook that ties your hands;  
2 correct?

3 A. That's correct.

4 Q. Okay. So we provide the Industry  
5 with some flexibility in terms of the pattern of  
6 distribution of the leave patches. And now I'm an  
7 interested member of the public whose got his backyard  
8 forest, I will use that term, and he's interested to  
9 see what it's actually going ot look like on the  
10 ground, and on that basis he's going to develop his  
11 opinion as to whether he likes it or not.

12 The only way I can do that is to go  
13 through what we've described with Mr. Munro the  
14 enhanced planning process and ultimately get down to  
15 talking about specifics. That would be the way it  
16 would occur?

17 A. That's the way I see it occurring,  
18 yes.

19 Q. And so if that was the situation  
20 ultimately you would have to end up starting to talk  
21 about the shape and configuration of the cut, the shape  
22 and configuration of the spray pattern, you have to  
23 talk about the geography in spacial terms for it to be  
24 meaningful?

25 A. As a plan author, if I was approached



1 by a cottager, to use the scenario that you have  
2 proposed, and he was concerned about what the spray  
3 pattern would be like in an area adjacent to his  
4 cottage, I think that one of my first approaches would  
5 be to pull out examples of our spraying program from  
6 years past and show how the areas have in fact been  
7 broken up simply because of operational situations, how  
8 cut-overs are broken up due to inoperability factors and  
9 unmerchantability factors and those types of things.

10 So I'd essentially lead him and if it was  
11 necessary I think I would take him out to the bush and  
12 show him. I think that's part of the process we have  
13 developed and I think that that would be critical way  
14 or an important way of presenting to that theoretical  
15 cottager what he could expect to see in the area close  
16 to his cottage that he's concerned about.

17 Q. What happens when I go out and I say:  
18 What a mess, that ain't what I want to see. What do we  
19 do now?

20 A. Well --

21 MR. INNES: A. It's planning.

22 MR. FRY: It's planning, that's right.

23 Q. Great. So that isn't what I want.  
24 You show me what you normally do, that isn't what I  
25 want. Now, we've got to find out what I do want and

1 see if that's acceptable to you and all the other  
2 players involved. That means we've got to start  
3 talking about the land and what's gong to happen on the  
4 land in a very specific way.

5 MR. INNES: A. In that case that would  
6 be exactly what would happen because one of the stages  
7 in enhanced planning is to have the person with the  
8 concern draw up a proposal of what they want to see  
9 done and submit that to the district manager, and I  
10 presume that's what you would do, Mr. Hanna, if you  
11 were that person with that concern who was unsatisfied  
12 with what the plan author brought forward.

13 Q. And that ultimately would be  
14 exhibited in the plan on page 106 and Table 5 as Mr.  
15 Young has told us and on the FRI map as shown in  
16 Exhibit 1276?

17 A. What was actually agreed to in the  
18 end or was mandated would show on twelve seven,  
19 whatever it is there, and the rest of the detail would  
20 be provided in supplementary documentation, as I  
21 understand.

22 Q. Okay, good. I would like to look at  
23 page 17 of the witness statement. Now, I would like to  
24 deal with the second segment of the public. We're  
25 dealing here with the integrated resource planning

1 system and this two-level approach to the planning;  
2 correct, Mr. Innes?

3 You've got the two levels, the one  
4 segment being the person who wants to know what,  
5 specifically where and that's the executive summary  
6 type approach and the map?

7 A. Yes, that's right.

8 Q. And we've got the second set of  
9 people -- of public who want to have a better  
10 understanding of the technicalities?

11 A. Yes, that's correct.

12 Q. Difficult people like me who might  
13 show up on your doorstep.

14 A. Always will.

15 Q. I always have been welcome and I  
16 appreciate that. Now, this second segment of the  
17 public that are concerned about the technicalities and  
18 the rationale of the decisions being taken, you suggest  
19 that these concerns would be dealt with through the  
20 integrated resource database; correct, that's where  
21 they would go to find out the details?

22 A. That is the repository of the  
23 detailed information which I presume would be of  
24 interest and also necessary to fully explain the  
25 rationale underpinning decisions.

1 Q. And what range of non-timber values  
2 must the database include information on?

3 A. Our understanding is that the  
4 Ministry of Natural Resources is methodical in the way  
5 it approaches the management of other values and as a  
6 result we believe that there are plans in place for the  
7 management of the other values such as wildlife  
8 management plans, such as lake development plans, and  
9 I'm sure my colleagues could name a number of these  
10 types of exercises that are gone through in planning  
11 that tell the general public specifically how that  
12 resource is going to be managed.

13 Q. But you have a mandatory -- said  
14 there's a mandatory list of non-timber components or  
15 non-timber values, the timber component of which have  
16 to be in the database, that's left to the discretion of  
17 the Ministry?

18 A. I'm getting towards that point, Madam  
19 Chair.

20 Q. Sorry.

21 A. I think it appropriate, as does the  
22 members of our planning team -- as do the members of  
23 our planning team that any plans that are relevant to  
24 the other resources in which there is a timber  
25 management component should be resident in the database

1 of that plan.

2 So in other words, if there is a moose  
3 management plan for all or a portion of that forest  
4 management unit that plan should be resident in the  
5 database and we are suggesting that because of the  
6 necessity of traceability and linkage between the  
7 timber management component of that to the overall plan  
8 of management of that value itself.

9 Q. And that is the next point that I  
10 want to deal with. We have talked about adaptive  
11 management, the need for explicit cause/effect  
12 linkages, all those sorts of things. Do you see those  
13 explicit cause/effect relationships for the timber and  
14 non-timber values, the timber component thereof at  
15 least, being contained within this database?

16 A. We see that as necessary and we don't  
17 understand fully as to what extent it's there now but  
18 we think it should be there. That bothers my friend I  
19 can see.

20 Q. No, it doesn't bother me.

21 A. I was just going to say, for example,  
22 I don't understand personally how winter habitat for  
23 moose management fits into their overall management  
24 strategy for moose, but I'm sure in their wisdom  
25 someone could explain that to me and that should be



1 incorporated in the plan for moose management which  
2 would be in the database.

3 Q. I have seen in your witness statement  
4 Appendix 2 the database in terms of its elements, it  
5 doesn't describe -- when I think of a database, perhaps  
6 that's my leaning, I think of machine readable bits and  
7 bytes that hang out in the computer.

8 And is there an element of that to it, or  
9 is the database basically a compendium of paper and  
10 reports and documentation?

11 A. The database is a compendium of  
12 information, whatever source that may occur in, and the  
13 computerized database be it on diskette or whatever  
14 would be acceptable as long as it's accessible by the  
15 public and in understandable form which they can  
16 understand what it is.

17 Q. So if we got a geographic information  
18 system up and running for a forest management unit,  
19 would part of this data be resident in that sort of a  
20 database; is that the sort of thing that you're  
21 anticipating?

22 A. Yes, I certainly am.

23 Q. Now, I would like to look at the OFAH  
24 terms and conditions if I could, please, page 267.

25 MR. COSMAN: Your terms and conditions?

1 MR. HANNA: Yes.

2 Q. There's a section on geographic  
3 information systems, conditions 148 to 151. Would you  
4 just take a moment, Mr. Innes, to look at those and  
5 then to provide me with your view as to how these terms  
6 and conditions would interface with the Industry's  
7 proposal to have the integrated resource database?

8 Perhaps if you want to take them one at a  
9 time, I'm happy to do that.

10 MR. INNES: A. Let's take them as a lump  
11 first of all, Madam Chair, and see if I understand the  
12 intent. And I will preface it by saying, our view, the  
13 forest industry, is that geographic information systems  
14 are a very powerful type of technology whose time has  
15 come; it's here and it's workable and very useful in  
16 management, I'm sure you've heard from many sources, so  
17 we're supportive of having geographic information  
18 system based information in existence and available for  
19 management.

20 The way I understand these terms and  
21 conditions, 148 to 151, taken as a collection, Mr.  
22 Hanna, is that the responsibility rests with the  
23 Ministry of Natural Resources. And may I ask, Madam  
24 Chair, if that's correct?

25 Q. With the exception of 151, and I want

1 to deal with that as a separate entity. So let's deal  
2 with 148 to 150. And the answer is yes?

3 A. All right. So taking that as yes,  
4 that means that there is a provincially orchestrated  
5 and run geographic information system containing all  
6 the forest management unit data for the province at  
7 specific locations therein.

8 Q. It doesn't necessarily have to be  
9 done province-wide in one fell swoop.

10 A. That's the intention.

11 Q. That's the ultimate intent, but it  
12 may be done on a forest management unit by forest  
13 management unit basis.

14 A. All right. Going from the broad to  
15 the specific, from 148 - and I'll ask the members of  
16 the panel to correct me if I'm off base here -  
17 certainly it has to be a co-ordinated approach to this  
18 so the information developed is compatible and it has  
19 to be to provincial standard, and it has to be so one  
20 machine can talk to another where you can transfer data  
21 easily back and forth, so we're in agreement basically  
22 with 148.

23 In terms of 149, I don't know how that  
24 can be. There is some difficulties with that, how that  
25 can be used directly. For example, it's certainly

1 useful to have plan authors, to have planning teams, et  
2 cetera work with geographic information systems and the  
3 information derived therefrom. What comes as a  
4 difficulty is the expertise needed to run one of these  
5 things and the time and cost in doing that.

6 For example, I am not able to go into our  
7 geographic information system and extract information.  
8 It tends to be a specialist's job and it's difficult to  
9 gear up for that. So there is some operational  
10 implications in what OFAH has proposed in 149.

11 Q. Mr. Innes, just stopping there for  
12 just a minute. You had indicated in your witness  
13 statement that you saw the need for technical support  
14 to, for example, the local citizens committee?

15 A. Mm-hmm, that's correct.

16 Q. So that direct access might be  
17 through that technical secretariat, there may be  
18 inquiries put through the technical secretariat, they  
19 collect the information and bring it back. You have no  
20 problem with having that access, it's simply the  
21 practical side of who is going to sit at the keyboard;  
22 whether it's going to be Mr. Martel or someone else?

23 MR. MARTEL: That would leave you in  
24 great shape.

25 MR. MUNRO: I think Mr. Martel has

1 suggested it might be lawyers.

2 MR. HANNA: Q. But that's your point; is  
3 it not?

4 MR. INNES: A. That's correct, yes.

5 Q. Okay.

6 A. So we have no problem with asking for  
7 information from these systems and be made available on  
8 demand.

9 Q. 150?

10 A. 150 has to be there if in fact 148  
11 and 149 are going to be operational.

12 Q. Okay.

13 A. So we can't quarrel with that.

14 Q. Can we move to 151 now.

15 A. I would not accept 15 the way it now  
16 reads because it's a two-way street and has to flow in  
17 both directions. I would change that, just upon first  
18 reflection, Madam Chair, in a way that certainly the  
19 forest industry would have to supply information to the  
20 Ministry of Natural Resources, we do that now and in  
21 fact it would be helpful if it could be supplied in a  
22 way which is machine readable, and there's nothing  
23 wrong with that, in fact it's quite desirable; however,  
24 it must also flow in the other direction, that  
25 information is provided in both directions.



1                   So I expand that. And I don't know about  
2                   the timespan that is indicated here, but something  
3                   appropriate could be worked out. It's desirable that  
4                   the systems be compatible and information flow in two  
5                   directions, and that's already started in some cases.

6                   MR. YOUNG: A. I would also add that we  
7                   would have to qualify the data and what denotes data as  
8                   far as timber management activities. There may be some  
9                   data collected by the Industry that we have proprietary  
10                  rights on that we would not see going over to the  
11                  Ministry.

12                  Q. And that would be primarily, Mr.  
13                  Young, cost-related data?

14                  A. Could be cost-related data, could be  
15                  data that we collected at our own cost, surveys that  
16                  type of stuff, so...

17                  Q. And in the case where the Industry  
18                  had -- maybe I don't understand what you mean by  
19                  surveys. Would that be like a timber cruise; is that  
20                  what you mean?

21                  A. No. I would say there may be surveys  
22                  that we've taken all the initiative that we pay for, we  
23                  hire a contractor to go out and pay for it and there  
24                  would be some proprietary rights on that I would think.

25                  Q. Surveying what though? I'm still a

1 little lost what you mean by survey.

2 A. I can't think of any offhand.

3 MR. INNES: A. I can give you an  
4 example, Madam Chair. We undertook an NSR survey in  
5 Thunder Bay to reclassify NSR in which we spent a  
6 considerable number of dollars, in the hundreds of  
7 thousands to do, and we're not prepared to provide  
8 that. We were not prepared to provide that to anybody  
9 else, that was our information.

10 MR. COSMAN: I think all we are saying  
11 here, Madam Chair, Mr. Hanna, that there may be certain  
12 kinds of information - and we haven't really put our  
13 minds to the specifics of it - that may be proprietary.  
14 So that that qualification should be put that not  
15 everything that goes into the company databanks  
16 automatically flows out to the MNR. That's the only  
17 point that's being made.

18 MR. HANNA: Q. This issue came up, Mr.  
19 Innes, in my cross-examination I believe of the access  
20 panel, Mr. Zorn, and he had explained that he had been  
21 going out doing route locations for some number of  
22 years, 25,30 years, and as a result of that he had a  
23 lot of first-hand knowledge in terms of site-specific  
24 characteristics and whatever and the question that was  
25 put to him was: How does that information flow back

1 into the system. That type of information you would  
2 see flowing back into the system in a central  
3 repository?

4 MR. INNES: A. I have read his testimony  
5 and, yeah, that type of thing would probably flow back  
6 through a centralized system. It's obviously a  
7 convenient way in which to transfer data. We're  
8 talking about specialized information in this case.

9 MADAM CHAIR: Shall we have the break  
10 now, Mr. Hanna?

11 MR. HANNA: Certainly, Madam Chair.

12 MADAM CHAIR: The Board will be back in  
13 20 minutes.

14 ---Recess taken at 10:20 a.m.

15 ---On resuming at 10:45 a.m.

16 MADAM CHAIR: Please be seated.

17 MR. INNES: Madam Chair, just before Mr.  
18 Hanna starts, the panel was discussing our testimony  
19 during the break and we thought it prudent to bring to  
20 the Board's attention the fact that Dr. Baskerville has  
21 testified that for a forest management unit it would  
22 take normally about five years to get a GIS system up  
23 and running and it wouldn't be fully operational until  
24 10 years, so it's not an instant process.

25 Whereas we are in favour of this, we

1 didn't want to leave you with the impression it was  
2 something you could turn on overnight and have the  
3 thing function.

4 MR. MARTEL: Can I go back then. For a  
5 forest management -- for a single unit?

6 MR. INNES: I am referring to the witness  
7 statement at page 29.

8 MR. HANNA: The transcripts, I believe.

9 MR. INNES: Sorry, the transcript at  
10 29420.

11 MR. HANNA: That's at Volume 167.

12 MR. INNES: I don't know which volume,  
13 I'm sorry.

14 MR. HANNA: What's the page number,  
15 please?

16 MR. INNES: 29420 at line --

17 MR. HANNA: It's actually 166.

18 MR. INNES: At line 8 and 9 and Dr.  
19 Baskerville has testified that a unit that is started  
20 could be up and running in five years and fully  
21 operational certainly in 10.

22 MR. HANNA: Can you just give me that  
23 page number again, please?

24 MR. INNES: 29420.

25 MR. MARTEL: How does that then translate

1 into all of the units that are out in the forest in  
2 terms of trying to get them all into a GIS?

3 MR. INNES: I'm not able to answer that,  
4 Mr. Martel. It would be quite an operation obviously  
5 and it would be costly.

6 MR. HANNA: Q. Mr. Innes, is it your  
7 understanding that the province is currently involved  
8 in this process?

9 MR. INNES: A. It's my understanding  
10 that they have begun this process, yes.

11 Q. So that the 10-year window might have  
12 already started to been passed through?

13 MR. MUNRO: A. Perhaps I can assist the  
14 Board in that respect, in that our particular FMAs were  
15 one of the last units that were inventoried under the  
16 old method of doing it and the latest projection is  
17 that we will have a completely digitized inventory  
18 around the year 2009 at the current rate that they are  
19 marking. That's the latest estimate, and every few  
20 years it keeps getting longer out.

21 Q. And your understanding of the reason  
22 for that extended time horizon, Mr. Munro, is primarily  
23 a matter of funds?

24 A. Primarily a matter of funds and the  
25 amount of staff and energy it takes to actually do that



1 work.

2 Q. And is it your opinion or your view  
3 that you would like to see it be available in 2009, or  
4 would you like to see it available sooner than that?

5 A. What our company has done is we have  
6 taken it on ourselves to do that work and currently  
7 about half of my particular area is digitized and up on  
8 the GIS system and the other half will be completed by  
9 the end of this year.

10 That was a company incentive to do that  
11 and we are bearing all the costs to do that and it  
12 doesn't come cheap, but we intend to have it up and  
13 running in the next five-year period, operational  
14 within the year.

15 MR. MARTEL: But you said a moment ago  
16 2009. What did I miss?

17 MR. MUNRO: That would be under the  
18 current MNR digitizing schedule.

19 MR. MARTEL: Oh, if you followed their  
20 schedule.

21 MR. MUNRO: Right.

22 MR. MARTEL: But you've taken it upon  
23 yourself to do it?

24 MR. MUNRO: Yes.

25 MR. HANNA: Q. Mr. Munro, is it your --

1 well, perhaps I'll ask Mr. Innes this. Has your  
2 company done the same?

3 MR. INNES: A. Our company has two  
4 operations in Ontario, Madam Chair. One of these in  
5 Thunder Bay we have totally digitized the information  
6 ourselves because it was not available from the MNR on  
7 schedule and we just missed the management planning  
8 schedule and will have to wait 20 years to get it, so I  
9 understand.

10 Q. If you were to wait for the Crown to  
11 do it?

12 A. Yes, that's correct. So we did it  
13 ourselves. And the exactly opposite occurred in  
14 Iroquois Falls which was several years later in which  
15 the MNR did digitization and provided it to the  
16 company. So we are fully digitized in both operations.

17 Q. So one way to deal with this say, the  
18 administrative hurdle that you've described in terms of  
19 the cycle that the government has at the present time  
20 would be for Industry to undertake this on their own  
21 behalf, but there's obviously a cost implied to the  
22 industry with that; is that correct?

23 A. There is certainly a large cost  
24 applied to it and you could consider the data to be  
25 proprietary since the Industry has already participated

1 in cost-sharing the original inventory.

2 Q. All right. So that if the Board --  
3 just so the Board has a clear understanding here, the  
4 barrier is really one of funds; that the Industry  
5 clearly is able to have done it, it's simply a matter  
6 of -- is it reasonable funds to recoup the investment  
7 the Industry has made and make that publicly available?

8 MADAM CHAIR: I think other factors, if I  
9 recall Dr. Osborn's testimony, Mr. Hanna - I would have  
10 to look a long way back - but in Dr. Osborn's testimony  
11 he also talked about some problems with compatibility  
12 of the various computer systems that were being used.

13 MR. COSMAN: Very true. Madam Chair,  
14 just so that the Board isn't unwittingly misled,  
15 although I don't think it is at all with this issue,  
16 different companies have different abilities to --  
17 perhaps have two companies, that was mentioned; other  
18 companies, smaller companies may not have that ability  
19 at all.

20 MR. HANNA: Thank you, Mr. Cosman. I  
21 wasn't attempting to mislead them in that respect.

22 MR. COSMAN: No, no, I knew you weren't.

23 MR. HANNA: Q. Simply the point that I  
24 was asking Mr. Innes was this: Would you see it as a  
25 reasonable approach to this, if the funds could be made

1 available, that the Industry operate as a partner in it  
2 in terms of providing manpower and resources provided  
3 that there was useful compensation for that investment?

4 MR. INNES: A. I believe that things  
5 like that could be worked out, Madam Chair. I do want  
6 to reiterate the point that you yourself made in terms  
7 of it's a complicated system, and has to sit within a  
8 framework of compatibility and desirability in terms of  
9 levels of information, et cetera, that need to be done.  
10 But there is room for joint operation in terms of  
11 carrying it out.

12 MR. MUNRO: A. And I guess the other  
13 thing that I would like to add is that I guess one has  
14 to keep in mind that we have only 30 FMAs in the  
15 province, I think, and there is I believe 99 units, so  
16 there's still 69 units that are government based or  
17 Crown units or company units where that activity hasn't  
18 taken place.

19 The Crown units have some digitized data  
20 but not necessarily all the units have, they're on a  
21 set schedule as Mr. Osborn probably explained to you.

22 MR. MARTEL: The crown will have some  
23 difficulty, MNR; will they not, in the vast area that  
24 they have under their responsibility for Crown units  
25 and company units where the companies aren't very big?

1 MR. MUNRO: That's correct. I would  
2 think that is true. They have to keep with the  
3 schedule in terms of the amount of money and staff they  
4 can actually contribute to that in any given year.

5 MR. HANNA: Q. The FMA lands though  
6 cover something like 70 per cent of the area of the  
7 undertaking though; do they not, Mr. Munro?

8 MR. MUNRO: A. I'm not sure, Mr. Hanna.  
9 I would have to take a look at it.

10 MR. INNES: A. We made the statement in  
11 our witness statement, Madam Chair, that they covered  
12 70 per cent of the licensed forest land in the province  
13 which is different than the lands contained in the  
14 undertaking.

15 MR. MUNRO: A. Plus there is also the  
16 area contained outside the undertaking, the rest of  
17 southern Ontario that MNR has to be responsible for as  
18 well.

19 MR. MARTEL: Who will do it on the  
20 privately held lands, anyone, like Algoma's land; will  
21 that be done?

22 MR. INNES: We have done it for our  
23 freehold land in Thunder Bay, Mr. Martel.

24 MR. YOUNG: The same case for our land  
25 and private landowners.



1 MR. SUOMU: If I might add, to put it in  
2 perspective, we're looking at inputting of FRI data  
3 which is only one facet of the possible GIS information  
4 database so, you know, it's just one small step in the  
5 process.

6 CP has seven forest management units and  
7 of those I think two are now digitized for FRI, another  
8 five are remaining, but it's only the beginning of the  
9 process.

10 MR. HANNA: Q. Mr. Suomu what are the  
11 other themes that you would see being put into the GIS?

12 MR. SUOMU: A. Other than FRI?

13 Q. Mm-hmm, that you feel would be  
14 essential for...

15 A. There could be OPC information, there  
16 could be soils data, there could be site data, and all  
17 OF the other information which may not be resident in  
18 company databases:: For example, fish and wildlife  
19 databases, fisheries databases.

20 So there is literally an endless number  
21 and I guess it's a matter of choosing the most  
22 appropriate ones.

23 Q. But in terms of the dealing with at  
24 least some of the issues, simply FRI data can be useful  
25 and can deal with a lot of the timber component issues

1 of these non-timber values that we've talked about?

2 A. It's a first step. It's the first  
3 requirement and obviously it's the highest priority  
4 item.

5 MR. MARTEL: Is someone setting the  
6 standard; in other words, so that there is uniformity  
7 then in what's fed in from each company and MNR so that  
8 you can exchange material and so on, or are different  
9 people entering different data in their GIS?

10 MR. INNES: I can partially answer that,  
11 Mr. Martel. My understanding from talking to the other  
12 companies who are engaged in this process is that there  
13 is close dialogue with the Ministry of Natural  
14 Resources because you want to be compatible to the  
15 extent that that is possible with software, hardware et  
16 cetera.

17 How far that goes, I'm not able to advise  
18 you. In terms of: Could we directly turn one of our  
19 tapes over to MNR to have them run in their machine,  
20 I'm not aware if we can or can't though an attempt has  
21 been made in that direction. It gets very, very  
22 complicated.

23 MR. MARTEL: That's why I don't want to  
24 learn about it.

25 MR. YOUNG: Mr. Martel, I can offer -- in

1 developing our own company digitizing specifications we  
2 utilized Ministry of Natural Resources digitizing  
3 specifications to build on. So, yes, as Mr. Innes  
4 pointed out, we do dialogue with the Ministry to ensure  
5 that hopefully there will be compatibility.

6 MR. HANNA: Q. Mr. Young, that  
7 standardization is being carried out through the  
8 Ontario Centre for Remote Sensing?

9 MR. YOUNG: A. I believe that's where we  
10 obtained those digitizing specs, but definitely through  
11 the Ministry of Natural Resources or one of their  
12 branches.

13 Q. And is it your view or do you know  
14 whether there has been major advances within the last  
15 several years in terms of compatibility of information  
16 forms and the ability to translate information between  
17 different GIS systems in terms of the form the  
18 information is in?

19 A. If you talk to the vendors that are  
20 selling GIS systems they ensure you that there is  
21 compatibility with any system you care to pick. I  
22 think once the data is in electronic format and there  
23 are some minimum specifications, my understanding is  
24 the data is fairly compatible between systems.

25 MR. INNES: A. Madam Chair, I would

1 suggest that this is a non-fruitful conversation  
2 because we are beyond the realm of expertise of those  
3 sitting on the panel.

4 Q. I wasn't to planning to pursue it any  
5 further, Mr. Innes. I would like to turn to the  
6 witness statement, page 18, and we have touched on  
7 this. There is one aspect of it that we didn't deal  
8 with and that is in the third paragraph.

9 We have talked about this need to  
10 evaluate the provincial, regional and district  
11 objectives at the forest management unit level. And  
12 you make the statement there in the first sentence  
13 that:

14 "The analysis of background information  
15 would determine if the provincial goals  
16 and objectives for all resource  
17 management programs that influence timber  
18 management are measurable, realistic and  
19 obtainable."

20 Now, I'm interested in knowing what  
21 criteria would be used to determine whether or not an  
22 objective was realistic, and maybe I'll just take it  
23 one more step to try and shorten this.

24 Would you take the given allocations in  
25 terms of silvicultural budgets as defining the range of

1 realistic alternatives that should be considered?

2 MR. MUNRO: A. Madam Chair, Mr. Martel,  
3 we spent a fair amount of time discussing that  
4 yesterday in terms of how targets are translated down  
5 from the provincial to regional to district to a forest  
6 management unit.

7 In terms of the criteria, it would be the  
8 district manager's responsibility to develop the  
9 criteria for his particular district in terms of how he  
10 assesses whether a target is measurable and realistic  
11 for the non-timber components, and by that I mean the  
12 timber component of the other resource programs, that  
13 would be his function.

14 The plan author in conjunction with  
15 technical experts would develop the appropriate  
16 criteria to assess the timber components or activities;  
17 i.e., that would be the four activities that we laid  
18 out in front of the Board, and that criteria might vary  
19 for each forest unit depending upon the specific  
20 details associated with that.

21 So there would be some standardization of  
22 that criteria since it has to come and be reviewed by  
23 regional experts as well as district experts in that  
24 particular field.

25 Q. But you haven't dealt with those yet



1 at this stage?

2 A. No, we haven't specified exactly what  
3 those criteria would be, other than we definitely see a  
4 need that it has to be done.

5 Q. And likewise the criteria of the  
6 district manager might use for the non-timber values  
7 you haven't specified those either?

8 A. No, we haven't.

9 Q. Now, in terms of them being  
10 measurable, what do you mean by an objective or a  
11 target being measurable?

12 A. By measurable we mean that there can  
13 be some assessment of the movement or progress towards  
14 the achievement of that objective or target, and that's  
15 what we mean.

16 MR. INNES: A. We can push that a step  
17 further I think, Madam Chair, in terms of: We didn't  
18 do an exhaustive analysis but we think most of the  
19 targets can be quantified in terms of what happens on  
20 the ground, how many hectares of this, you know, how  
21 wide is a shoreline reserve of that, or something that  
22 turns out to be a number that you can get at in hard  
23 terms and check progress towards as Mr. Munro  
24 mentioned.

25 Q. Is it fair to say then with respect

1 to the non-timber values, you have indicated -- your  
2 silent specifically on how that would be done in terms  
3 of the Ministry, but that you're expecting a thorough,  
4 comprehensive and systemic analysis by MNR for the  
5 non-timber objectives for the FMU at this stage in the  
6 planning process?

7 MR. MUNRO: A. For the timber component  
8 of those other resource programs.

9 Q. The timber component, yes.

10 A. Yes. We are expecting that the  
11 information be assembled, analysed and reviewed and  
12 problems and issues are identified and strategies are  
13 developed in how to deal with those specific problems  
14 and issues.

15 Q. The next sentence indicates that the  
16 analysis would also indicate if specific targets or  
17 guidelines should be modified for the district or  
18 forest management unit. It's the guidelines that I'm  
19 interested in.

20 How would an analysis of the moose  
21 population objectives for a forest management unit be  
22 used to modify the moose habitat guidelines in a  
23 specific instance?

24 A. What we're recommending is that a  
25 target be assigned for, and we'll use the example of

1 winter habitat that Mr. Hanna has laid out. If that's  
2 incorporated into the guidelines, then we are  
3 suggesting that some of the guidelines would have to be  
4 modified or revised in order to get that type of detail  
5 into them and have it assigned down to the forest  
6 management unit.

7 Once that is done, the guidelines are  
8 assessed by the district manager and if he or she  
9 identifies any specific problem or issue relating to  
10 those guidelines, like maybe they're not applicable or  
11 they need to be slightly revised for ths particular  
12 forest unit, then that recommendation would be put  
13 forward and it would end up in the technical --  
14 provincial technical level for review.

15 And again, as we described yesterday, if  
16 the district manager feels it's important he can  
17 deviate from those guidelines and would show that as a  
18 deviation and take it through the whole public review  
19 process. So it's similar to what we described -- it's  
20 identical to what we described yesterday in terms of  
21 how we see a target being adjusted and how we see a  
22 guideline being adjusted.

23 Q. Perhaps, Mr. Munro, this is  
24 semantical then. You're suggesting in the guidelines  
25 that you would want to see, for example, you need "x"

1 number of hectares of late winter cover per moose and  
2 that late winter cover would be defined in some sort of  
3 way and then that would be used that -- would be  
4 evaluated at a local level and there may be a reason  
5 why you need more or less or a different kind of late  
6 winter cover there. Is that the kind of thing you're  
7 talking about?

8 A. At the risk of being evasive, I just  
9 cannot tell you at this point in time what I would see  
10 that and how that would be identified. That would  
11 definitely be reviewed by a professional expert, Mr.  
12 Innes has indicated a multidisciplinary technical group  
13 at a provincial level and I can see them working out  
14 those details.

15 I am unable to agree on any specific  
16 details or even comment on it at this time.

17 Q. No, that wasn't the specific detail.  
18 This is a very fundamental issue in my view and, that  
19 is, this whole idea of a guideline constraint  
20 management versus objective management, that is why I  
21 honed in right on that particular word, the  
22 modification of the guidelines.

23 The guidelines say this is the size of  
24 your cut, this is what you do in a late winter cover  
25 and whatever, irrespective of the moose population

1       whatever, that's what you do across the area of the  
2       undertaking. You see that's -- and the other side of  
3       that is what my client is proposing.

4               MR. FREIDIN: Are you suggesting that  
5       that is what the guideline says?

6               MR. HANNA: If you wish, I'll pull out  
7       the terms, Mr. Freidin, of the guidelines themselves.

8               MR. FREIDIN: I'm sorry.

9               MR. HANNA: The guidelines make specific  
10      reference to the size of cuts, to the need for shelter  
11      patches, it doesn't make any reference to the  
12      population.

13              MR. MUNRO: I think if you could possibly  
14      turn the page they identify what the population levels  
15      are and the guidelines are there to protect and enhance  
16      moose habitat and the enhancement of moose habitat, I  
17      would suggest, ultimately lead to increase or maintain  
18      a population level.

19              MR. HANNA: Q. Yes. I don't -- the  
20      problem here I think is a semantical one, but I want to  
21      make sure that is the difference, okay.

22              It's important for me to understand how  
23      you would see the guideline being modified at a local  
24      level, and let's just take a specific example. Looking  
25      at Exhibit 310, the green pages, page (i).



1 MR. MUNRO: A. Sorry, Mr. Hanna?

2 MR. COSMAN: The moose guidelines?

3 MR. HANNA: Yes.

4 Q. Page (i).

5 MR. MUNRO: A. Okay.

6 Q. And let's just take 1(a) in the  
7 boreal forest region, that is the guideline for or one  
8 component of that guideline and that deals with the  
9 proximity of the -- actually it defines, for all  
10 intents and purposes, the width of the cut over, the  
11 maximum width of the cut over. It says you can't be  
12 more than 200 metres from suitable shelter, so  
13 therefore you can't have a cut over more than 400  
14 metres wide.

15 Now, how would you see modifying that on  
16 a local basis and is that really what you're talking  
17 about, or is what you're talking about saying,  
18 depending upon the local moose population, the  
19 availability of habitat, projections we have in terms  
20 of the amount of moose we want in the region, that  
21 there may be different components of habitat that we  
22 need and that would be the basis upon which you make  
23 your determination; rather than try to modify the  
24 guideline per se?

25 MR. MUNRO: A. As I mentioned, we see

1 the guidelines being revised to be able to put some  
2 type of target assignment for particular habitat,  
3 whether it's winter or summer.

4 In terms of modifying a guideline at the  
5 local level that would not occur. It would be taken  
6 through an extensive series of reviews at the regional  
7 and provincial basis as well. The problem that you  
8 have is when you modify a guideline at a local level is  
9 you have no consistency across the area of the  
10 undertaking, but what we are suggesting, if the  
11 district manager or the technical experts feel that  
12 there is merit in deviating from that guideline for the  
13 five-year period, the district manager can put that  
14 forth and take it through the various public review  
15 processes and the technical experts to get it approved  
16 for that five-year term in order to carry out  
17 operations.

18 The modification to the guideline could  
19 occur through the various processes and eventually it  
20 would make its way up to the provincial technical  
21 committee where they would have an opportunity to look  
22 at that proposed revision, see if it was desirable on a  
23 provincial basis.

24 So we don't really see guidelines being  
25 modified for specific local conditions, what we see is

1 deviation reporting for those guidelines.

2 Q. Is an alternate approach, in fact  
3 would not the whole exercise that you just described  
4 become unnecessary if you used a habitat supply  
5 analysis approach that, because of the nature of it,  
6 would be applicable at an FMU level and that the actual  
7 habitat requirements, therefore, would be prescribed  
8 specific to that area rather than across the province  
9 as a whole?

10 A. Perhaps I could beg off on my other  
11 panel members. I'm not familiar enough with habitat  
12 supply analysis to answer that. I know that there is  
13 some areas in Canada that they're starting in some  
14 rudimentary fashion to try and do that and plans Mr.  
15 Innes, since you are such a well travelled man, the  
16 rest of us are not, and Mr. Hanna's mind.

17 Q. I didn't by exclusion suggest none of  
18 the other panel members were not well travelled, I  
19 didn't say it was an exclusive trait of Mr. Innes.  
20 Anyways I'm interested in Mr. Innes' opinion.

21 MR. INNES: A. Thank you, Mr. Munro.  
22 This panel would be in favour of any type of technical  
23 analysis which would assist in the quantification of  
24 hard numbers and targets that are meaningful at a  
25 forest management unit level and if habitat supply

1 analysis provides that, Madam Chair, we would be in  
2 favour of that type of analysis and undertake it.

3 I don't pretend to understand what  
4 habitat supply analysis is, but if it did that sort of  
5 thing, quantify numbers, we would certainly be in  
6 favour of that sort of thing.

7 Q. And given the rudimentary  
8 understanding you have of it at the present time, Mr.  
9 Innes, it isn't -- as far as you know, does not in any  
10 way violate the planning system that you're putting  
11 forward?

12 A. I would think that's correct, in  
13 terms of it would add additional information to the  
14 database which would be important for the management of  
15 the timber component of other values on that management  
16 unit.

17 Q. And indeed it may well be very  
18 supportive and expeditious in achieving some things you  
19 want to do?

20 A. I am not able to say whether it is or  
21 it isn't, I do not have enough knowledge to comment  
22 upon it.

23 Q. Okay, let's not waste time, let's get  
24 to where you do have knowledge. So I will move then to  
25 this. What happens in the case where you have no

1 provincial objectives that measurable?

2 A. Could you provide an example?

3 Q. Certainly. Road accessible fishing  
4 opportunities.

5 A. I'm having difficulty understanding  
6 why that is not measurable. From my days of planning  
7 with the Ministry of Natural Resources, in dealing with  
8 Algonquin Park specifically and the master plan  
9 therefore, we indeed did talk about fishing  
10 opportunities and how they measured those type of  
11 opportunities, and I'm not totally familiar with the  
12 process the MNR now uses to tackle those sort of the  
13 things, but there was a target which was a hard number  
14 in terms of number of days of opportunities and some  
15 way in which they checked to see whether or not that  
16 was occurring, I believe.

17 Q. Mr. Innes, that was actually a bad  
18 example and I accept your statements. The situation  
19 could exist -- certainly road accessible fish  
20 opportunities are measurable, and I accept that, but  
21 what happens in the case where there hasn't been a  
22 target set for that measurable objective?

23 A. I mentioned a while back, Madam  
24 Chair, that we tried to wrestle with this and had  
25 difficulty coming up with a situation in which there



1 wasn't some measurable attribute involved since the  
2 activities that we undertake are really a manipulation  
3 of the forest cover and that requires intervention of  
4 some description and, as a result, we tend to rearrange  
5 something in doing that, by carrying out an activity at  
6 a ground level. So we had difficulty in coming up with  
7 one, however...

8 Q. You had difficulty coming up with an  
9 example?

10 A. Yes, we had difficulty thinking of a  
11 situation where there would not be something --

12 Q. Well, the district land use  
13 guidelines doesn't -- for example, only says "x"  
14 number of fish opportunities, which I believe many of  
15 them do, and don't differentiate between road  
16 accessible and remote fishing opportunities.

17 A. Right, but if I may carry on, the way  
18 we thought we would approach this would be under the  
19 objectives of the plan, if you had to describe  
20 something in descriptive terms rather than quantify it  
21 because it wasn't quantifiable you would make that  
22 explicit in the plan and you would probably be forced,  
23 in our opinion, to come to the situation where you have  
24 to note that there would not be a known way of  
25 measuring progress towards this desirable outcome, and

1 we left it at that point in our mind.

2 Q. So those would be basically a hiatus  
3 in the process in that sense, they really don't follow  
4 the full, how should I say, concept to its completion?

5 A. That would be true but again I  
6 stress, we had difficulty thinking about that even in  
7 terms of something like viewing opportunities. You can  
8 talk about the number of openings you have created  
9 along roadside reserves or viewsapes that you've made  
10 by harvesting in a certain the pattern or planting in a  
11 certain pattern or whatever.

12 You get into more nebulous ground with  
13 things like, wildlife viewing opportunities perhaps  
14 would be an example that Mr. Hanna might find  
15 appropriate, in which we would say you might try to do  
16 that but it's difficult to quantify whether you have or  
17 you haven't accomplished that in terms of arranging  
18 forest cover suitably for that to occur.

19 Q. Are you familiar with the manual  
20 developed by the U.S. Forest Service to do precisely  
21 what you just described?

22 A. No, I'm not aware there is such a  
23 manual, Mr. Hanna.

24 Q. Now, what about the case of something  
25 like the tourism guidelines. They don't have specific

1 objectives assigned to them and how would we go about  
2 and test their appropriateness, as you have described  
3 here on page 18, in terms of a connection between  
4 objectives and the guidelines?

5 A. Firstly, my understanding is the  
6 tourist guidelines are not yet finalized and I haven't  
7 seen a final version, is that correct or not? I see  
8 you expressing doubt.

9 Q. I believe there has been final  
10 guidelines presented to the Board that are provincially  
11 approved.

12 A. I stand corrected. If that's the  
13 case, I'm not aware of what's in those final  
14 guidelines, is what I should say, Madam Chair.

15 Q. Well, perhaps one of the other panel  
16 members --

17 A. Maybe one of the other panel members  
18 can answer that in this case.

19 MR. MUNRO: A. The question was: How do  
20 we measure the effectiveness of the tourist guidelines?

21 Q. Well, I'm looking at this -- I'm back  
22 to this statement you make about the analysis of targets  
23 and guidelines and whether they should be modified or  
24 they're appropriate at the local level, and one of the  
25 things you said is try and tie that into a measurable

1 objective.

2 And I'm trying to see how that system  
3 works. I can see a way to get around it with the  
4 habitat supply analysis, the moose, and I can see a way  
5 to deal with it in the fish; I'm just trying to see how  
6 you deal with the tourism side.

7 A. The tourism guidelines were developed  
8 jointly between the forest industry and the tourism  
9 industry. I understand they have a few things that  
10 they would like to see changed and the best measure  
11 that I can see on the workability of those guidelines  
12 and efficiency is the amount of effort -- joint effort  
13 that goes into planning activities by the tourist -- by  
14 the individual tourist operator and by the forest  
15 industry or the Crown management forester or company  
16 management forester.

17 They are a well written document, they do  
18 have approval, as I mentioned, from both industries and  
19 the bottom line is that there has to be an agreement.  
20 The tourist operator and the particular company or a  
21 Crown forester have to come to an agreement before  
22 activities take place or the district manager has to  
23 approve that planned activity, and that would be  
24 similar to what we're recommending in our enhanced  
25 planning process, where the two individuals obviously

1 don't come to an agreement. And that would be a  
2 measure in my mind.

3 Q. But, Mr. Munro, I say it again and I  
4 say it in all respect. I understand, I think the Board  
5 understands fully the planning process, okay, in terms  
6 of how everybody has got to be consulted and there has  
7 got to be dialogue and all of those good things, but  
8 I'm speaking specifically here to page 18, paragraph 3,  
9 and it describes here this top down approach to  
10 evaluating targets and guidelines at a local level.

11 And you said, as I understand it, the  
12 target that you would set for tourism would be an  
13 amount of effort put into the planning activities.  
14 That's a rather interesting target.

15 A. No. I believe you were asking about  
16 how we measure them.

17 Q. Well, it says right here:  
18 Measurable, it's talking about goals and objectives.

19 A. Right, and what I am...

20 Q. And you say, this analysis would  
21 indicate if the specific targets or guidelines should  
22 be modified.

23 A. Right.

24 Q. And I'm asking how you would -- what  
25 target you would set at the local level with respect to



1 tourism and how that would interface with the  
2 guidelines.

3 A. I misunderstood you. I didn't think  
4 that was your question originally.

5 Q. Fine.

6 A. If your question is: How would a  
7 specific target be established for tourism at a given  
8 level, forest management unit level.

9 Q. Yes.

10 A. It could be the number of areas where  
11 seasonal restrictions have been planned for within the  
12 activity, it could be the number of specific reserves  
13 that were left to accommodate tourism concerns. There  
14 is a whole host of targets that you could assign  
15 depending upon what was developed.

16 As Mr. Innes indicated, those would be  
17 developed as you plan your activities. To sit here and  
18 to lay it out specifically for you would be very  
19 difficult because we really haven't come to that point  
20 in time yet.

21 Q. Okay. So let's just leave it here  
22 then. What you would like to see then, you're not  
23 overly familiar with the guidelines as they stand right  
24 now, but...

25 A. I'm very familiar with the guidelines

1 as they stand.

2 Q. But the guidelines don't provide any  
3 connection between what's prescribed and what the  
4 effect is going to be; do they? They say: These are  
5 the types of things you should do.

6 A. Right.

7 Q. You should leave these sort of  
8 buffers and sort of visual concerns and whatever.

9 A. Right.

10 Q. It doesn't say what the implications,  
11 the cause/effect type thing we have talked about isn't  
12 there in terms of what that means in terms of the  
13 tourist business?

14 A. I would have to agree, that's not  
15 there at present.

16 Q. And you would like to see that?

17 A. We are suggesting that the guidelines  
18 be revised to provide for a range of acceptable  
19 practices that professionals and individuals can  
20 utilize to plan activities.

21 Q. Right. And within that, as a support  
22 to that, a cause/effect connection that can be used to,  
23 therefore, set targets and direct the application of  
24 those acceptable practices?

25 A. If it was appropriate, yes, I would

1 see doing that.

2 MR. COSMAN: Is Mr. Hanna asking whether  
3 all the science and economics behind each specific  
4 alternative prescription should be set out in the  
5 guidelines itself?

6 MR. HANNA: No, I'm saving that for my  
7 case, Mr. Cosman.

8 MR. COSMAN: All right.

9 MR. HANNA: Madam Chair, excuse me just a  
10 minute here. I'm crossing out questions here at a  
11 rapid rate and the pause perhaps is in the interest of  
12 time in the long term.

13 MADAM CHAIR: Take your time, Mr. Hanna.

14 MR. MARTEL: I just want to know if you  
15 want some help.

16 MR. HANNA: Q. Can we turn to page 52 of  
17 the witness statement. We talked about the --

18 MADAM CHAIR: Which page are we on, Mr.  
19 Hanna?

20 MR. HANNA: Page 52.

21 MADAM CHAIR: Thank you.

22 MR. HANNA: Actually, Madam Chair, I'm  
23 going to strike that also. I think that may be  
24 covered. I have certain information that might be  
25 covered by one of my other friends in detail and I'll

1 leave it.

2 MR. MARTEL: Have we reached page 52, Mr.  
3 Hanna?

4 MR. HANNA: Q. We're on page 54 now,  
5 panel. We haven't finished all the ones before it  
6 though.

7 Section 9 talks about management  
8 directions, and you give an example there that a  
9 management strategy might be increased emphasis on the  
10 moose population by creating more winter habitat.

11 How can one create more winter habitat at  
12 least within the five-year term of a timber management  
13 plan? Mr. Innes, do you want to take a crack at that  
14 first, seeing you are worldly and knowledgeable in  
15 these things?

16 MR. INNES: A. This was an example that  
17 was provided with no direct relation to the biological  
18 aspect of it, but I would presume you could produce  
19 more winter habitat through such things as providing  
20 access corridors in which moose may travel to reach  
21 habitat and safety, for example. As I understand it,  
22 moose travel through corridors in certain times of the  
23 year, in certain types of snow conditions.

24 Q. The moose biologists are still  
25 discussing that one.

1 A. That's my understanding, sir.

2 Q. That's their suggestion, yes.

3 A. You may have travelways that are  
4 appropriate or you may have something of that nature.

5 Q. But let's take that the late winter  
6 cover is a mature, maybe even close to overmature,  
7 black spruce stand. How do I create more of that?

8 MR. MUNRO: A. Initially when it was  
9 written, Mr. Innes is perfectly correct, it wasn't  
10 necessary to create more, but it was to create more use  
11 of existing winter habitat.

12 As it was explained to us or as we do our  
13 timber management planning, people tell us that they  
14 have the opportunity by using the guidelines to at  
15 least maintain or enhance the current moose population  
16 by developing a more useful habitat range per se for  
17 moose, and that is what is meant by that.

18 Q. But there is also a very strong  
19 temporal component to it, that if there isn't -- if  
20 there is a limited amount of those types of stands,  
21 there is only so much you can do and in some cases the  
22 only remedy is time.

23 A. That's a possibility. I'm not  
24 qualified to...

25 Q. In order to analyse the potential



1 effectiveness of such a strategy, one would have to  
2 evaluate the moose habitat across the entire FMU, you  
3 would want to look at it on that level.

4 A. I think what we are recommending is  
5 the district manager would look at the target that's  
6 been decided for the forest management unit and if the  
7 target was not being achieved or he would come up with  
8 some recommended strategies on how to alleviate that  
9 specific problem.

10 To the extent of how much you could look  
11 at would depend upon how big the problem was I would  
12 think. So in some cases it could be and in some cases  
13 it couldn't be.

14 Q. Would you agree also as a forester  
15 and your understanding of forest succession that in  
16 terms of understanding that supply one would want to  
17 look at least at a rotation of the forest?

18 A. We have been through this I think a  
19 couple of days ago about how much and to what extent  
20 the district manager and how much time and effort he  
21 would spend looking at a specific problem that was  
22 identified given the magnitude of the problem, and it  
23 would vary according to the severity of the problem  
24 that is out there.

25 Q. No but, Mr. Munro, my question to you

1 is as a forester and knowing what you know about forest  
2 dynamics, knowing what you know about forest management  
3 at least as far as timber goes, one looks at the forest  
4 at least on a rotation level because many issues don't  
5 become apparent until you look at that level.

6 A. Speaking as a forester I can say  
7 within the planning process that we have outlined we do  
8 look at the rotation, we run our computer model for a  
9 long period of time, sometimes in excess of the  
10 rotation to see what the patterns are from a timber  
11 perspective.

12 I'm not qualified to see what you would  
13 do from a wildlife perspective; I know what I would do  
14 as a forester.

15 Q. But inasmuch as those same non-timber  
16 resources, that timber component of it depend upon that  
17 forest structure and that forest structure, that supply  
18 of forest structure follows the same dynamics as the  
19 timber component that you're familiar with, they're  
20 faced with the same temporal types of issues that force  
21 you to look at the forest at a rotation level; do they  
22 not?

23 A. As Mr. Innes indicated, we look  
24 forward to -- I think Mr. Hanna is referring to habitat  
25 supply analysis, and if it would be of any benefit and

1 help us in any way, we certainly look forward to it.

2 And if that's what's required and will serve a  
3 function, by all means we support that.

4 Q. Yes. I think it's not just habitat  
5 supply analysis, it's a matter of how you look at that  
6 supply of non-timber values from the landbase.

7 MR. INNES: A. Madam Chair, the intent  
8 of this section of putting it in here is to indicate  
9 precisely what we're talking about, that the forester  
10 is not a specialist in areas other than timber  
11 management and we specifically make provision for  
12 management direction by other specialists as to what's  
13 required to manage the other values.

14 Q. Yes. But it is important to the  
15 forest industry though; isn't it, Mr. Innes, because if  
16 the other people look at it in terms of five or 10  
17 years and that's the level at which they're doing the  
18 projections and all of a sudden they come to you 10  
19 years hence and say: Well, we didn't look far, we  
20 didn't know this was what it meant in terms of forest  
21 structure, you guys all of a sudden have to cut back  
22 your harvest because that's the only way that they can  
23 satisfy this, that has major ramifications for the  
24 forest industry; doesn't it?

25 A. All input has ramifications to the

1 way we do our timber management planning, I would  
2 think, and I just don't know enough to be able to agree  
3 with you in this specific case as to whether this is  
4 major or minor in a particular instance.

5 Q. I'm going to make a quantum leap  
6 here, I'm going to jump a whole section and check that  
7 over lunch. I'd like to look at the report on past  
8 operations which is on page 21, and you indicate here  
9 at the bottom of the page that:

10 "The plan author would analyse the past  
11 forest operations in terms of planned  
12 versus actual accomplishment, and the  
13 plan author can establish specific  
14 objectives for the management units and  
15 strategies for the achievement of these  
16 objectives based on the problems and  
17 issues identified as a result of the  
18 analysis."

19 And at the bottom of that page 22, you  
20 indicate that:

21 "The plan author would prepare an  
22 executive summary and it would include  
23 various objectives for access, harvest  
24 renewal maintenance."

25 Now, does not the establishment of the

1 specific objectives for harvest, renewal, maintenance  
2 and access have significant implications both in terms  
3 of timber and non-timber values?

4 MR. MUNRO: A. Yes.

5 Q. And so this is a major reason why you  
6 see having these objectives brought forward to the  
7 public and commented upon?

8 A. Definitely.

9 Q. Now, is it - and isn't just a play on  
10 words - is not the objective from the timber side a  
11 wood supply; is that not the objective?

12 A. What we are recommending in our  
13 proposal is that the objectives for the timber  
14 component of the other resource programs would be  
15 identified.

16 Q. No, no, no. Take a step back here.  
17 Listen again, Mr. Innes -- or sorry, Mr. Munro. I'm  
18 dealing now with the timber component, the timber --  
19 whatever we call timber, we are talking about timber,  
20 no non-timber values at this time.

21 Is not the timber objective a certain  
22 wood supply and even I'll add a qualifier to that, a  
23 certain wood supply at a certain average delivered  
24 cost.

25 A. In the case of Industry prepared



1 plans I would say, yes; in the cases of Crown prepared  
2 plans, I'm not sure that the cost side of it comes into  
3 play.

4 Q. Well, let's just deal with the  
5 Industry perhaps at the present time. And again, this  
6 is no play on words, I want to make sure I understand  
7 this.

8 So when you say objectives here you  
9 really mean targets for access, harvest, renewal,  
10 maintenance. The objective is your wood supply and  
11 then to achieve that objective you need certain  
12 targets, certain levels of activity you need to achieve  
13 in terms of harvest, access, renewal and maintenance?

14 A. I see the objective and target  
15 being -- you're right, yes.

16 Q. I just want to make sure I  
17 understand, because we didn't go through that whole  
18 definition of targets. I want to understand what's  
19 driving this system and what's driving it is the wood  
20 supply?

21 A. That's what's driving this whole  
22 hearing.

23 Q. Yes, okay. And so that in terms of  
24 tradeoffs, making decisions between different  
25 objectives, the objectives that we're trading from the

1 timber side is a wood supply, a wood supply with an  
2 affiliated delivered wood cost, that's what we're  
3 balancing on one side of the ledger?

4 A. That's the reason why we plan, yes.

5 Q. And on the other side of the ledger  
6 in terms of coming to reasonable compromises are the  
7 other values, the non-timber values.

8 A. I don't really see it as two lines,  
9 in many cases the lines overlap and they are quite  
10 compatible, the objectives for timber management; i.e.  
11 to deliver a product to a mill at a reasonable cost,  
12 can be worked in and integrated into those other  
13 resource programs.

14 So I see it as meshing, I don't see it as  
15 on one hand we have this and on the other hand we have  
16 this.

17 Q. Okay. They maybe aren't in the same  
18 hand, but it's a measurement issue I'm trying to deal  
19 with at the present time, so we're talking about the  
20 same unit of measurement. The unit of measurement in  
21 terms of wood is quantity of wood at a certain cost, or  
22 reasonable cost I think was your word.

23 A. That's the objective, yes.

24 MR. INNES: A. It goes beyond that  
25 though too, Madam Chair, in terms of those things but

1 also at a predictable volume, in a predictable timespan  
2 and at uninterrupted flow, et cetera, et cetera.

3 Q. So what you're telling me is that  
4 there is a temporal component to it also, Mr. Innes?

5 A. There's a temporal component, there's  
6 a flow component, there's a quality component, there's  
7 a species component, there's a product size component,  
8 et cetera. We could go through a number of things  
9 along that line, Madam Chair.

10 Q. Wood supply can be defined by a whole  
11 variety of factors and criteria?

12 A. Yes.

13 Q. Now, an analogous situation exists  
14 with respect to moose. You have a certain supply of  
15 moose habitat required to sustain a certain moose  
16 population, but when we come to sort of making, how  
17 should I say, where there has to be certain situations  
18 where there is some compromise between the two, we  
19 should be comparing the implications in terms of moose,  
20 the implications in terms of delivered wood cost. We  
21 don't want to compare hectares of moose habitat to  
22 areas chemically tended.

23 You see what I mean, like they don't have  
24 any social value; what has social value is how much --  
25 is the wood cost and the moose. Do you agree with

1       that, Mr. Innes?

2                   MR. INNES:  A.  I think basically I do.  
3       I was trying to find Dr. Baskerville's comments that  
4       you made -- that you drew to our attention a while  
5       back.

6                   Q.  I can refer you to another of Dr.  
7       Baskerville's articles actually and that is his  
8       adaptive management, wood availability, habitat  
9       availability article which is in Exhibit 378.

10                   He does discuss this on page 174, starts  
11       at the bottom of the righthand column.

12                   MR. MARTEL:  378?

13                   MR. HANNA:  It's the excerpt.  I think I  
14       have asked that we just excerpt that out of Exhibit  
15       378, Mr. Martel.

16                   MR. FREIDIN:  Panel 8 witness statement?

17                   MR. HANNA:  Yes.

18                   MADAM CHAIR:  Page 360, Mr. Hanna?

19                   MR. HANNA:  Actually Madam Chair, I'm  
20       looking -- I don't have the witness statement numbers,  
21       I have the original article numbers and I'm looking at  
22       page 174 according to the original article.

23                   Q.  Page 174, Mr. Innes.

24                   MR. INNES:  A.  I'm sorry, I don't have  
25       that page.

1 Q. The original article pages on the  
2 bottom.

3 A. Oh, I see. Thank you. Yes, I have  
4 page 174.

5 Q. If you look in the righthand column,  
6 the very last paragraph there that continues over the  
7 next page, he talks about managing habitat simply for  
8 the benefit of habitat and he makes a statement:

9 "The decision-makers do not like logical  
10 merry-go-rounds, however, I do believe  
11 that decision-makers will consider  
12 habitat measures that relate to  
13 measurable population goals."

14 MR. FREIDIN: Where is the reference, I'm  
15 sorry?

16 MR. COSMAN: Page 174.

17 MR. HANNA: Okay. Starts on the bottom  
18 of page 174, the right-hand column, the very last  
19 paragraph.

20 MR. INNES: "There is one further point  
21 on management"?

22 MR. HANNA: Q. That's correct. And that  
23 paragraph continues over on to page 175 in the lefthand  
24 column, and I just read from page 175 in approximately  
25 the middle of the paragraph.



1 MR. INNES: A. Oh, I see where you're  
2 at. Yes, thank you. Yes. You're asking if I agree  
3 with that intent in that paragraph. Yes, most  
4 definitely.

5 Q. So that when we're in this situation  
6 where there are compromises that have to be made, we  
7 have to be comparing and considering the right things,  
8 and the right things are wood supply and the delivered  
9 wood cost associated with that and in wood supply are  
10 the factors that you've considered; and if we're  
11 talking about moose, we're talking about moose and not  
12 moose habitat.

13 I'm not trying to circumvent the timber  
14 component, deal with timber component, but the timber  
15 component as it relates to moose, not the timber  
16 component itself.

17 A. I'm afraid I've lost you.

18 Q. Okay, let me try again.

19 A. On that last one. Could you...

20 Q. Let's try it this way. An analogous  
21 situation exists with respect to moose, analogous to  
22 the wood supply measure, we don't compare access, the  
23 amount of access with the amount of late winter cover.

24 A. You're talking about the comparison  
25 of values as you described them at the start of your

1 cross-examination?

2 Q. Correct. In the situation where  
3 we're faced with one that we've heard at the hearing,  
4 say the size of a clearcut, and if we have a large  
5 clearcut it may be more economical because of the type  
6 of equipment that might be used; access, renewal, a  
7 whole variety of things, so there's an advantage from a  
8 cost point of view both in terms of wood supply and in  
9 terms of delivered wood cost. That's the one side of  
10 the ledger. The other side of the ledger is that large  
11 clearcut may have some detrimental implications in  
12 terms of moose production.

13 Now, what I'm asking, when we're making  
14 those sort of comparisons what we should be comparing  
15 is wood supply and the cost of delivering that wood  
16 against the implications it has in terms of moose.

17 A. Yes, I would agree with that.

18 Q. Good, okay. Now, is not a major  
19 concern of the Industry the potential impact of efforts  
20 to accommodate non-timber values on delivered wood  
21 costs? There has to be some balance in there?

22 A. That would be a concern if there was  
23 a potential for impact, yes.

24 Q. Now, what I'm interested in knowing  
25 and I'm going to refer to Mr. Opper's paper in a

1 minute, but I want to understand at what level the  
2 public will be presented with, in an explicit form,  
3 those types of tradeoffs.

4 In other words, here's the implications  
5 of doing this in terms of the wood supply to our mill  
6 in terms of how you define wood supply and the  
7 associated delivered wood cost, and here's what the  
8 implications are in terms of moose. Will those be set  
9 out and where in the planning process that you're  
10 proposing?

11 A. I believe an appropriate place for  
12 that to begin would be in some of the background  
13 information sections in which the problems and issues  
14 were talked about. If that was a problem or an issue  
15 in terms of tradeoffs that had to be made, it would be  
16 the sort of thing that would be discussed.

17 Q. That was -- sorry, that's Section 10  
18 of the background information. That's where you're  
19 referring to, Mr. Innes?

20 A. That's correct.

21 Q. Yes, okay. Fine.

22 A. That's correct. And it would  
23 probably occur in more places than one in terms of  
24 background information and in terms of looking at, for  
25 example, district target assignment and level of

1 achievement. I think you would see it in several  
2 places and background information, Madam Chair, is what  
3 I'm saying here, if it was brought forward.

4 Q. We would see specifically the  
5 implication, for example, of different MADs in terms of  
6 wood supply and delivered wood cost?

7 A. You're getting close to what I'm  
8 talking about in terms of it appears at different  
9 locations, but I think your real question is: Where is  
10 it drawn altogether and summarized, if I understand  
11 what you're asking.

12 Q. I would like to see that, if that was  
13 there, that's the first place I would like to start.

14 A. It would not be drawn together and  
15 summarized unless it became a problem in the minds of  
16 the plan author or the district manager who's  
17 presenting this in terms of background information.

18 It's the type of thing that would be  
19 discussed with the local citizens committee in terms of  
20 some of the alternatives and tradeoffs that might have  
21 to be made with decisions that: We can't do this  
22 because it has these implications, or it's desirable  
23 that we do this because it has this implication type of  
24 thing.

25 But to the best of my understanding, and

1 I can seek help from the rest of the panel, there's no  
2 place explicitly where it comes out that we've analysed  
3 all these various things and here are the specific  
4 tradeoffs that have been made and quantified in every  
5 individual case, because it doesn't come up in our  
6 system unless there's a problem or an issue that needs  
7 to be dealt with.

8 MR. MUNRO: A. And the reason for that  
9 is so that we can focus on where there is problems and  
10 issues, and there's a whole magnitude of things you can  
11 consider and it's difficult to sit and imagine what  
12 they could be, other than for every one that you do  
13 there's going to be another one.

14 So what we have attempted to do is say:  
15 We have a basic common knowledge, we have a system that  
16 works that's in place in Ontario, and if there is a  
17 specific problem let's get it out in the open, let's  
18 figure out how we're going to deal with it. And that's  
19 why those comparisons are not readily available unless  
20 the district manager identifies a particular problem  
21 with the moose population.

22 If you're using the guidelines and you're  
23 maintaining or increasing your population, you should  
24 spend your time and effort looking at other things.

25 MR. MARTEL: Again, can I go back to what



1 I asked earlier today though, and maybe I'm  
2 misunderstanding what Mr. Hanna is trying to get at,  
3 but it seems to me that he is looking for a summary of  
4 every tradeoff that could possibly be made when you  
5 design a plan and have it summarized somewhere. Again  
6 I'm not sure, maybe somebody can help me again, whether  
7 that is possible.

8 Do we take all of those things into  
9 consideration -- I mean, they're taken into  
10 consideration, I would think, on past knowledge and so  
11 on, but could you document everything where in fact you  
12 had this on one hand and that on the other hand and how  
13 you arrived at this, unless it were creating a problem?

14 MR. HANNA: Mr. Martel, just before the  
15 panel answers --

16 MR. MARTEL: Maybe I'm wrong.

17 MR. HANNA: Just before the panel  
18 answers, let's make sure they understand where I'm  
19 going from before they answer it.

20 I'm not suggesting that every possible  
21 alternative should be looked at and that every possible  
22 tradeoff should be listed. I would support you  
23 wholeheartedly, even if I could get you to sit at the  
24 console and use the best computer equipment we have,  
25 you probably couldn't do that.

1 MR. MARTEL: How do you become selective  
2 though then, Mr. Hanna, in which ones you want to put  
3 forward. I think maybe that's where I'm heading.

4 MR. HANNA: Q. Well, I will ask the  
5 panel if they are familiar with the Lac Seul management  
6 plan, resource management plan?

7 MR. FRY: A. I'm vaguely familiar with  
8 it.

9 MR. MUNRO: A. You mean the Lac Seul  
10 Lake management plan?

11 Q. I didn't think it was called Lac Seul  
12 Lake, I thought it was called Lac Seul resource  
13 management plan.

14 MR. FRY: A. Not the timber management  
15 plan.

16 Q. The Lac Seul resource management plan  
17 incorporated timber, wildlife, fisheries, a whole  
18 variety of different concerns in the preparation of  
19 that plan.

20 MR. MUNRO: A. I'm sorry, Mr. Hanna, I  
21 would have to disagree with that, in that if you're  
22 referring to the plan that was created for the Lac Seul  
23 Lake and the adjacent area around it, I would have  
24 to -- contained very little to do with timber  
25 management activities, other than putting a no cut

1 reserve around the lake.

2 Q. And access and areas that should be  
3 renewed and various other activities like that.

4 A. Access relating to the fisheries  
5 concerns.

6 Q. I don't disagree it was fisheries  
7 related, and really the question isn't to try and drag  
8 in. Mr. Munro, in fact I believe that I dealt with you  
9 when you were at the Ministry of Natural Resources at  
10 that time on that plan. You were the unit forester in  
11 that area; weren't you?

12 A. One of the units foresters in that  
13 area, yes.

14 Q. Yes.

15 A. I remember some of our discussions  
16 very well.

17 Q. I do too, I enjoyed them.

18 A. I remember some of our discussions  
19 very well. In fact -- that's fine.

20 Q. I'm happy, keep going. I like  
21 flattery. Mr. Munro, that particular plan had a large  
22 number of alternatives available to it also, the same  
23 type of problem that Mr. Martel has alluded to, not in  
24 terms of necessarily just timber but in terms of the  
25 other resource components.

1                   A. I'm sorry, but I would have to beg  
2 off, I'm not -- that was 10 years ago, and I just am  
3 not familiar with that plan today other than what small  
4 implications it has on our FMA area. It's one of those  
5 things I would have liked to put out of my mind, so...

6                   Q. Mr. Kennedy is there in the  
7 background, he was also involved. Maybe we will get  
8 him up here and talk about it.

9                   A. I'm sure he'll have a lapse of memory  
10 too.

11                  MR. HANNA: Mr. Martel, perhaps just in  
12 the interest of time, there will be evidence led on  
13 this and this isn't evidence, I know, but just to  
14 answer your question.

15                  Dean Baskerville has addressed this same  
16 issue, that when there's potentially an infinite number  
17 of possibilities, how do you deal with it? When you  
18 come forward with a reasonable range, he subjected six,  
19 I don't know why he picked six, but he suggested six in  
20 his testimony to the Federal Standing Committee.

21                  The point simply is, at least the  
22 experience of - again, I'm not giving evidence here -  
23 but I have to rely on my experience with the Lac Seul  
24 particular example was certain priorities were set. So  
25 you give more emphasis to the local benefits as opposed

1 to provincial benefits.

2 So that you try to emphasize things that  
3 might enhance the local community as opposed to meeting  
4 some overall provincial objective. That is just an  
5 example. So that drives you in one direction. Another  
6 might be to take provincial, so that drives you in  
7 another direction, and you try to set out a reasonable  
8 range of alternatives, not an endless list because, as  
9 we've heard from this panel, that's is patently  
10 infeasible.

11 And so that then the next critical step -  
12 and this is evidence that will be led by the  
13 Federation - is to pick out key resource values and to  
14 ensure that the tradeoffs on those key resource values  
15 clearly laid out, but not for everything. It's clear  
16 that that's not feasible and you will not hear from me  
17 suggestions to this Board that we go from partridge  
18 berry to veneer logs.

19 MADAM CHAIR: Shall we stop for lunch  
20 now, Mr. Hanna?

21 MR. HANNA: Yes. I was actually going to  
22 stop early for lunch, Madam Chair, but unfortunately  
23 the discussion went on.

24 MR. COSMAN: Madam Chair, just before we  
25 rise. My friend has - I'm calling him my friend - Mr.



1 Hanna has provided to me some OFAH proposed  
2 biodiversity terms and conditions that before this  
3 morning I have never seen and neither has this panel.

4 He quite fairly wants to put certain  
5 questions to the panel members and I'm certainly  
6 prepared to allow the panel members to answer questions  
7 to the extent they can, subject to the qualification  
8 that they have never seen this before or discussed it,  
9 or discussed it with their own advisors within the  
10 Industry. But on that basis, I'm going to certainly  
11 distribute this so Mr. Hanna can ask such questions as  
12 he wishes this afternoon or tomorrow morning.

13 MR. HANNA: Thank you my friend, Mr.  
14 Cosman.

15 MADAM CHAIR: We will be back at 1:30.  
16 ---Luncheon recess taken at 12:00 p.m.  
17 ---On resuming at 1:30 p.m.

18 MADAM CHAIR: Good afternoon. Please be  
19 seated.

20 MR. HANNA: Q. Mr. Innes, just one thing  
21 that came to mind while I was thinking about what we  
22 discussed before lunch, and we had been talking -- or  
23 you had mentioned it's possible even to go to the  
24 extent of quantifying visual changes and setting  
25 targets in terms of visual landscapes, if that was

1 possible. You said if that could be done, that would  
2 be something that you would see as reasonable.

3 MR. INNES: A. I believe I couched that  
4 in terms of, if there was no other way of quantifying a  
5 target it may have to be put into descriptive terms,  
6 and perhaps that would be one sort of thing you could  
7 do for a visual type of thing.

8 Q. But if we could set a measurable  
9 target, then that would be better?

10 A. Yes.

11 Q. Okay. Now, the question isn't really  
12 specifically dealing with that matter, it's more the  
13 question I asked you subsequently; which was, whether  
14 you were aware of the manual that's applied on a  
15 regular basis by the U.S. Forest Service dealing with  
16 visual quality and visual landscapes, and you indicated  
17 you were not familiar with that.

18 A. That's correct.

19 Q. And that's fine. The question that  
20 stems out of that is this: You had said in your  
21 evidence-in-chief I believe - I remember your words -  
22 this is a home grown planning process.

23 A. Yes, that is right.

24 Q. Developed for Ontario.

25 A. I recall that.

1 Q. Now, when you said that, you were  
2 suggesting; were you, that this system has been  
3 constructed to conform with the specific requirements  
4 and conditions that we find ourselves as a society and  
5 in terms of the environment in Ontario. Is that the  
6 message that you were putting forward?

7 A. That was the intent and also to  
8 indicate that we weren't and had not deliberately  
9 imported from elsewhere some system in this locality  
10 that we thought worked elsewhere and brought that into  
11 Ontario.

12 Q. And that's exactly what I want to ask  
13 you. Were you in any way suggesting that there is  
14 something wrong with looking at the technology in other  
15 jurisdictions and evaluating that in terms of its  
16 applicability in Ontario and potentially learning and  
17 building on that technology in managing Ontario's  
18 forests?

19 A. No, we were not suggesting it would  
20 be wrong to take appropriate techniques from other  
21 management systems that could be utilized in designing  
22 a system for Ontario.

23 But I may add to that, as was indicated  
24 in Dr. Baskerville's testimony before the Standing  
25 Committee on Forest, he suggested similar situations in

1 terms of: We don't look elsewhere. We have a unique  
2 situation in Canada in this case, we don't for example  
3 take the Scandinavian system and plug it in here and  
4 say it works. It was that similar type of approach.

5 Q. So make sure we're aware of those  
6 things, test it, modify it and apply it, but don't take  
7 it holus bolus and expect it to work?

8 A. That was -- that's correct.

9 Q. Now, we had left off at lunch and we  
10 were talking about this matter of trying to maintain or  
11 trying to present some representation of what I'll call  
12 the advantages and disadvantages with respect to timber  
13 and non-timber values, different alternatives we had  
14 available to us.

15 And the OFAH introduced an exhibit which  
16 is Exhibit 904 which is a paper by Michael Oppen who is  
17 the woods manager at McChesney Lumber Division of E.B.  
18 Forest Products. I asked you to examine that paper.  
19 Have you had a chance to do that, Mr. Innes?

20 A. Yes, I have read the paper, Madam  
21 Chair.

22 MADAM CHAIR: Does the Board have that  
23 paper, Mr. Hanna?

24 MR. HANNA: It was on my list of  
25 exhibits, Madam Chair.

1 MADAM CHAIR: I have it, Mr. Hanna.

2 MR. HANNA: Q. Now, you have some -- do  
3 you know Mr. Oppen?

4 MR. INNES: A. I have met Mr. Oppen,  
5 yes.

6 Q. And he has some experience in using  
7 the timber management planning process that's proposed  
8 by the Ministry of Natural Resources?

9 A. Madam Chair, I don't know the answer  
10 to that question. I assume that he does, but I don't  
11 know the answer to the question.

12 Q. Any other panel members -- is there  
13 anyone who knows Mr. Oppen perhaps in terms of some of  
14 his --

15 MR. SUOMU: A. I have met him and I  
16 assume that he does, that he is familiar. This  
17 particular paper was presented at a forest investment  
18 seminar about five years ago in Thunder Bay, so in that  
19 context it was written with the experience at hand I  
20 believe at that time.

21 Q. I think it may not be quite five  
22 years, Mr. Suomu.

23 A. Yeah. There isn't a date on it,  
24 but...

25 Q. It may have been 19 --



1 A. Right in the beginning I believe.

2 MR. COSMAN: Sorry, Mr. Suomu wasn't  
3 finished.

4 MR. HANNA: I'm sorry.

5 MR. SUOMU: It was at the beginning of  
6 the new timber management planning process, so it  
7 was -- so our planners were just getting involved in it  
8 and as a result I think this is his experience in that  
9 first round of planning. Now, whether it's  
10 representative of the process which the MNR is  
11 presenting at this time, I'm not exactly sure.

12 MR. HANNA: Q. Do you know when the  
13 final proceedings of this conference were issued?

14 MR. SUOMU: A. I have a copy at my  
15 office but I don't recall. It was about a year or two  
16 after, almost a year following the conference that the  
17 final paper summaries did come out.

18 Q. The final proceedings didn't come out  
19 this year, Mr. Suomu?

20 A. They may have. There was quite a  
21 long time lapse.

22 Q. Yes. And there was a time between  
23 the time the paper was presented and the time that the  
24 final publication of the final proceedings were put  
25 out, as is indicated in this, a draft copy, and the

1 final copy. You haven't looked at the final copy?

2 A. I had looked over it, but I can't  
3 judge whether the wording is exact to be truthful.

4 MR. HANNA: Madam Chair, and if the Board  
5 wants this confirmed I'm happy to do this. I have  
6 looked at the final copy, I had a staff member go  
7 through it carefully --

8 MR. COSMAN: Madam Chair, again this is a  
9 question of evidence. Mr. Hanna asked the witnesses  
10 about Mr. Oppen's involvement, he was given an answer  
11 by Mr. Suomu, he assumed he was knowledgeable. That's  
12 what he has at this point in time.

13 He also has Mr. Suomu's evidence as to  
14 the fact there was a considerable period of time  
15 between when it was written near the beginning of the  
16 process and the final production of the papers.

17 What happened in the interim, the extent  
18 to which there was any revision, this witness can't  
19 answer and it's not up to Mr. Hanna to try to answer at  
20 this point in time. If he wants to call evidence on  
21 it, that's fine. He can't say what a staff member did  
22 for him, we have no idea.

23 MR. HANNA: Madam Chair, I was simply  
24 going to ask your direction perhaps, and I'm not going  
25 to challenge what Mr. Cosman has said. I was quite

1 prepared to provide the final copy also if the Board so  
2 desires.

3 The information I have at the present  
4 time is there is no change but, if the Board wishes, I  
5 can provide that.

6 Q. Anyways let's continue on with the  
7 paper itself. Now, it indicates here that this paper  
8 was reviewed by a Mr. James Waddell. Mr. Innes, would  
9 that be the same James Waddell that has appeared here  
10 as a witness for the Industry?

11 MR. INNES: A. I would think so, Madam  
12 Chair. It's J. A. Waddell and the title, yes,  
13 management forester is relatively the same, so I would  
14 assume so.

15 Q. All right. And I would like to go  
16 through this and look at some of the views that Mr.  
17 Oppen has presented here and see how those views may  
18 have been dealt with by the planning proposal -- excuse  
19 me, the timber management planning process that is  
20 proposed by the Industry.

21 Just before I do that though, the  
22 planning process that you've come forward with, you've  
23 indicated to us, and this was right at the very  
24 beginning of my cross-examination when I asked you who  
25 the architects were and you said it had been reviewed

1 by a great number of people in the Industry. Was Mr.  
2 Opper one of the people who reviewed the planning  
3 process?

4 A. I'm not sure, Madam Chair. This  
5 proposal before the Board was aired at the OFIA and  
6 also the OLMA plus a number of subsequent groups,  
7 sub-committees of organizations, and I'm not sure  
8 whether Mr. Opper was there or not, although he does  
9 belong to one of the boards of the Ontario Forest  
10 Industry Association.

11 MADAM CHAIR: Mr. Hanna, who exhibited  
12 this paper?

13 MR. HANNA: The Ontario Federation of  
14 Anglers & Hunters, Madam Chair.

15 MADAM CHAIR: And what's our point of  
16 going through to see what Mr. Opper has to say? What  
17 are you getting at with questions on this paper?

18 MR. HANNA: This paper was an invited  
19 paper at the conference and the paper looks at and in  
20 fact -- if you look on page 12 of the paper the author  
21 indicates there that:

22 "Forest Investment, A Critical Look...",  
23 which is the symposium,

24 "...is the central theme of this  
25 symposium. The instructions that I

1 received from the organizing committee  
2 were to present a paper which would  
3 undertake to review problems and  
4 constraints to proper forest investment  
5 in a critical and thought provoking  
6 manner. I hope I have accomplished  
7 this."

8 What Mr. Oppen did in this paper was to  
9 look at the timber management planning process of the  
10 Ministry of Natural Resources and to look at it from  
11 his own personal perspective as an industry forester,  
12 limitations that he saw in the process in terms of  
13 effectively carrying out timber management and leading  
14 to appropriate investments in silvicultural activities.

15 MADAM CHAIR: Is it your intent to ask  
16 the witnesses whether or not they agree with Mr.  
17 Oppen's views?

18 MR. HANNA: No, no. Well, that would be  
19 the first, but I think the more important thing is, is  
20 this man has gone through and done a critique of the  
21 Ministry's planning process, limitations that he sees  
22 in the planning process, and I'm interested in seeing  
23 how this panel sees those limitations being addressed  
24 in the revised or in the planning process that the  
25 Industry is coming forward with.



1 MR. COSMAN: Madam Chair, just in  
2 response to my friend. He's certainly entitled, as you  
3 pointed out, to ask these witnesses whether or not they  
4 agree with something stated by Mr. Opper in the draft  
5 that he's got in front of him and if they agree or  
6 disagree, that's evidence.

7 And if he wants to ask whether -- and if  
8 they do agree and he wants to ask whether the proposed  
9 planning process of Industry addresses that, that is  
10 also appropriate, if it's done in that fashion.

11 MR. HANNA: That's what I'm intending to  
12 do, Madam Chair.

13 Q. Now, he starts off the paper on page  
14 1 with what he calls a parable and he talks about a  
15 landlord and a tenant, Mr. Innes.

16 MR. INNES: A. Yes, I've read that.

17 Q. Now, I understood the landlord to be  
18 the Ministry of Natural Resources as analogous to  
19 the -- as it's used in this parable. Is that the way  
20 you interpreted that?

21 A. It could be taken as that, Madam  
22 Chair, it could be taken as the Government of Ontario,  
23 it could be taken as society generally.

24 Q. Okay.

25 A. I didn't make any distinction when I

1 read that, a parable - what's the correct term -  
2 parable, it didn't sound right. A parable is a  
3 parable, and as I understand parable, the joy is in the  
4 beauty of reading it and assigning it whatever you want  
5 to.

6 Q. And the tenant that he refers to  
7 here, he's suggesting is the forest industry. Is that  
8 the way you read it?

9 A. I would think that would be a  
10 reasonable interpretation. It could be a specific  
11 company, it could be a specific management unit.

12 Q. Yes, okay.

13 A. You know, a person.

14 Q. The reason that this is important,  
15 I'm trying to understand -- he bases the paper around  
16 this parable and the lessons to be learned from the  
17 parable; isn't that fair?

18 A. I'm not sure he does, Madam Chair.  
19 To me this is an ice breaker and a hook in the  
20 communication sense of which to hang something. First  
21 of all, you get the people's interest and then you  
22 carry on from there, it could be used to that extent  
23 too I suppose.

24 But he makes reference to it further on,  
25 I believe, so I presume it's a lead-in to his argument,

1 Mr. Hanna.

2 Q. And he talks about other tenants in  
3 the parable. I believe he talks about weavers of cloth  
4 and makers of pots.

5 A. That's right.

6 Q. And when I read this I interpreted  
7 the weaver of cloth the maker of pots to be other  
8 forest users that might also want to have some, how  
9 should I say, place on the landlord's estate. Is that  
10 the way you read it?

11 A. To be perfectly honest the parable  
12 didn't mean much to me and I didn't assign anything to  
13 the weavers of cloth and the makers of pots. I didn't  
14 know how they got in there.

15 Q. All right. Can we turn on then to  
16 page 3.

17 MADAM CHAIR: Are we going through this  
18 page by page, Mr. Hanna? I don't think the Board will  
19 get very much out of it. I think you should just go  
20 directly to the main points that you wish to ask the  
21 witnesses.

22 MR. HANNA: I'm not dealing any more with  
23 the parable, Madam Chair. It's clear that the witness  
24 didn't assign any significance to that.

25 MR. INNES: That's true.

1 MR. HANNA: Q. And he identifies two  
2 issues -- or two principles he drew from the parable  
3 that he then looks at the timber management planning  
4 process and he talks about the tinker principle, and I  
5 understood this to be a concern with respect to -- as  
6 far as what we're dealing with here, I understood this  
7 to be a concern with respect to the current status of  
8 the forest industry's tenure of forest land in Ontario  
9 and the implications of tinkering with that  
10 relationship.

11 Is that how you understood what he meant  
12 by the tinker principle and how it related to timber  
13 management planning?

14 MR. INNES: A. I would say yes, because  
15 it's been a common theme of Professor Armson, who has  
16 also talked about landlord/tenant relationships and how  
17 the FMA process is structured on the basis of the legal  
18 agreement between two parties, landlord/tenant so to  
19 speak, as an analogy.

20 Q. And the other principle or message  
21 that he talks about is what he calls the free lunch  
22 syndrome, and I interpret this to be -- to mean that  
23 when one accommodates non-timber values it's often at  
24 the expense of the forest industry's interest and  
25 there's not a fair sharing of the costs.

1                   A. He addresses that farther on, yes,  
2                   and I think that is the case.

3                   Q. Do you agree with this as being a  
4                   concern, a reasonable concern?

5                   A. I think there could be a reasonable  
6                   concern of the loading of an agreement beyond what was  
7                   normally structured in the agreement in terms of  
8                   add-ons, and I think that is what Mr. Opper is trying  
9                   to address here.

10                  What he doesn't address is that there are  
11                  opportunities for intermeshing of needs that can occur  
12                  within that existing arrangement without cost, and I  
13                  would not think that he would be adverse to that, but  
14                  he's not mentioned them in this paper.

15                  Q. And what type of cost loadings would  
16                  you feel would be the load-ons that you refer to, give  
17                  me an example?

18                  A. All right. At the -- and I seek  
19                  correction from the panel members. If I understand the  
20                  timing at which point this paper was put in, there was  
21                  a transition being made at that time from the reserve  
22                  policies of the Ministry of Natural Resources, what  
23                  they called the doughnut reserves around all lakes in  
24                  which each lake had a fringe of reserve around it, to a  
25                  system whereby direction was provided that that should



1 be done only if it made sense and a value was to be  
2 protected, to a system about the time Mr. Opper was  
3 writing this where they were going to something called  
4 modified management units. Is that correct term, MMUs?

5 MR. YOUNG: A. Modified management areas.

6 MR. INNES: A. Pardon me?

7 MR. YOUNG: A. Modified management areas.

8 MR. INNES: A. Sorry, modified  
9 management areas, and there was great misunderstanding  
10 and concern at that time as to how these modified  
11 management areas would be assigned, managed on the  
12 ground and carried out and who was going to mark these  
13 areas and who was going to decide the amount of timber  
14 to be harvested, if at all, in these things and if they  
15 were locked up, who was going to pay for the cost of  
16 the locked up timber and what effect would that have  
17 upon the amount of wood taken off a given area, et  
18 cetera.

19 I suspect, Madam Chair, that this was the  
20 sort of thing that he was concerned about when he wrote  
21 this paper.

22 MADAM CHAIR: Well, as Mr. Hanna knows -  
23 excuse me, Mr. Martel - as Mr. Hanna knows, we received  
24 extensive evidence about the OFIA's estimated costs of  
25 reserve policies, we've heard months and months

1 evidence about the doughnut policy, we've heard the  
2 first panel of the OFIA's case where executives from  
3 the forest products industry came forward and said: We  
4 think these costs are reasonable or unreasonable, they  
5 do this, they do that to our business outlook.

6 What are you asking about here, Mr.  
7 Hanna?

8 MR. HANNA: The question I guess I'm  
9 interested in in this respect is: There are a series  
10 of concerns that the forest industry has, I think  
11 they've already indicated it in terms of the  
12 implications stemming from a business point of view in  
13 terms of increased costs to their system.

14 MADAM CHAIR: As has been set before us.

15 MR. HANNA: Yes, I understand. And the  
16 question is: Those costs will be decided incrementally  
17 within each forest management unit as the timber  
18 management plan is prepared. That will be decided, the  
19 acceptability of those incremental costs will be  
20 decided through the timber management planning process.

21 MADAM CHAIR: The costs to whom?

22 MR. HANNA: To the forest industry.

23 MR. MARTEL: Why wouldn't they raise that  
24 concern.

25 MR. HANNA: I beg your pardon?

1 MR. MARTEL: Why wouldn't they raise that  
2 concern themselves?

3 MR. HANNA: I'm sorry.

4 MR. MARTEL: If the Industry was really  
5 uptight about that, those incremental costs, they would  
6 have presented more of that in their own case; wouldn't  
7 they?

8 MADAM CHAIR: You can see you've lost the  
9 Board, Mr. Hanna.

10 MR. HANNA: Yes, I understand, Madam  
11 Chair. The concern is this, Mr. Martel, and it's a  
12 concern that you've heard before, it's dealt with  
13 access roads, it's dealt with a whole variety of  
14 different issues, and that is the distribution of the  
15 increased incremental costs in terms of modifying the  
16 timber management activities to accommodate other uses,  
17 and that involves what I will submit to the Board as  
18 being a tradeoff; there's a public benefit versus a  
19 private cost.

20 And the question that I'm -- and this  
21 author makes it very clear about the need -- about the  
22 implications of that and sets out certain things that  
23 need to be addressed. One of the things that I will be  
24 demonstrating through this paper is he makes a strong  
25 argument for the need for economic rationality and some

1 economic framework within which decisions can be made  
2 or decisions can be vetted assist in making reasonable  
3 decisions.

4 And as you've indicated, the forest  
5 industry has come forward and said there are  
6 significant costs potentially involved with these sort  
7 of things. What has historically happened, or the  
8 concern that my client has is that historically often  
9 the other users have been held at ransom in a sense, in  
10 that we had -- the private costs are there, we know  
11 there's -- you hear there's private costs, you don't  
12 know exactly what the private costs are, you don't  
13 really know what the public benefits are, and so you're  
14 in limbo. And it's a very difficult issue to resolve.

15 My reading of this paper, is Mr. Oppen is  
16 making a strong argument that that should be laid out  
17 in a more explicit and comprehensive way in terms of  
18 the benefits of costs, who wins who loses, and that  
19 sort of thing. That is the gist.

20 Q. Maybe, Mr. Innes, I'll ask you:  
21 Would you agree that the general thrust of this is that  
22 Mr. Oppen is asking for greater, what he calls,  
23 economic rationality in the decision-making process,  
24 the timber management planning decision-making process?

25 MR. INNES: A. That's correct, Madam

1 Chair.

2 MR. MARTEL: But didn't Mr. Oppen, if I  
3 understood Mr. Innes correctly, his concern was that  
4 you were loadings on Industry, but if one takes the  
5 example that Mr. Innes mentions, the doughnut, in fact  
6 it was Industry that was asking, if I recall correctly,  
7 to eliminate the doughnut around every lake  
8 automatically.

9 MR. INNES: That's correct, Mr. Martel.  
10 There was sort of a domino effect here that went along  
11 for a period of a couple of years at least in which we  
12 went from the doughnut, and I believe it was the  
13 Assistant Deputy Minister of Northern Ontario who came  
14 out with, through his office, with a policy and said:  
15 It doesn't make sense to have doughnuts everywhere, why  
16 don't we see if we really need all these things and  
17 we'll try and free up some wood to get away from this  
18 problem. And that rational approach triggered another  
19 domino fallover which got to the next one which was:  
20 How do we think about modified management areas where  
21 we may be able to do something within these areas that  
22 are no longer totally doughnuts, and then it got into a  
23 discussion of: Well, what has to be done and who lays  
24 it out on the ground, and is it imposed, and who pays,  
25 and I think that's about the point that this paper was



1 launched, that's my guess.

2 But if I may be of assistance, one of our  
3 terms and conditions that we have laid out in which we  
4 lay out the enhanced planning process, we have asked  
5 that the district manager in providing the rationale  
6 for his or her decision as to accepting or rejecting  
7 the two proposals put forward use some socio-economic  
8 criteria as well as biological criteria in making those  
9 decisions. So we're following along that line Mr.  
10 Hanna is talking about.

11 MR. HANNA: Q. A key issue though, and  
12 that's this matter of how do we deal with this  
13 proprietary concern that the forest industry has and  
14 the Board's heard in terms of private costs, how do we  
15 deal with the fact that that can't be publicly revealed  
16 and yet that's a key measure in terms of making the  
17 tradeoff?

18 If I read Mr. Oppen's paper he's saying  
19 we want a greater economic rationalization of many  
20 decisions, but if I don't have the economic information  
21 how can I rationalize the decisions?

22 MR. INNES: A. We have suggested, and we  
23 suggested it in Panel 2 I believe to the Board, that  
24 there be some socio-economic analysis done when  
25 guidelines are put together or new courses of action

1 are brought about, and I believe Mr. Ross in his  
2 testimony spoke to some of those things - the panel Mr.  
3 Ross and Mr. Watson were on - that is one way that when  
4 a new course of action is embarked upon, some of the  
5 economic impact is assessed along with that.

6 Q. But that's a policy level analysis?

7 A. That's correct, Mr. Hanna.

8 Q. I understand Mr. Ross' basis, I have  
9 no axe to grind with that. I'm now talking about  
10 making decisions at a timber management plan level and  
11 trying to provide an economic, how should I say,  
12 rationale for those decisions.

13 A. And what I have difficulty  
14 understanding, and I'm sure you can assist me for the  
15 help of the Board, is whether you're speaking generally  
16 of all activities at a management unit level or whether  
17 you're speaking about, as I was a moment ago, where  
18 there is a conflict dealing with one specific issue.

19 Q. Okay. Well, let's look at page 5.

20 Mr. Opper says:

21 "The element that perplexes me the  
22 most...", I'm looking under purpose and  
23 objectives, the second paragraph:

24 "The element that perplexes me the most  
25 about the timber management planning

1 exercise as it exists at present is the  
2 absence of a practical economic framework  
3 upon which to determine reasonable land  
4 use decisions on an integrated basis."

5 Now, I understood this paper is dealing  
6 with the timber management planning process, the timber  
7 management planning manual, the planning of the forest  
8 management unit level and I presumed that when he's  
9 talking about a practical economic framework he was  
10 talking about one at that level.

11 Is that not a fair presumption?

12 A. I would presume anything that you  
13 presume on your own basis would be fair. I don't know  
14 what he's referring to, to be honest, Madam Chair, as  
15 its title doesn't say that. I don't know whether he's  
16 talking about a management unit level or something  
17 larger.

18 Q. Well, look at the top of page 5.

19 A. All right.

20 Q. "At this point I shall attempt to  
21 Critique the timber management planning  
22 process."

23 A. Yes.

24 Q. And that planning process is a  
25 planning process that the Ministry is proposing, and

1 that planning process applies at a forest management  
2 unit level.

3 A. I beg to differ. The planning  
4 process applies at a provincial level and at a unit  
5 level, I believe.

6 Q. It's implemented at a unit level.

7 A. That's quite correct, it's  
8 implemented at a unit level, but the process itself is  
9 bigger than just a forest management unit level, is the  
10 point I was trying to make.

11 Q. Okay. The timber management planning  
12 exercise that he refers to at the bottom of page 5,  
13 that exercise is carried out at a forest management  
14 unit level?

15 A. Yes, correct.

16 Q. Okay. And he says what perplexes him  
17 about that exercise is the absence of a practical  
18 economic framework to guide that exercise.

19 A. Yes.

20 Q. Now, how does the Industry -- well,  
21 do you disagree with that?

22 A. No, we don't because I think I said a  
23 moment ago, I tried to deal with that at two different  
24 levels; one at the provincial level and one at a  
25 specific problem level. So we recognize the need for

1 that type of activity at two specific levels within the  
2 timber management planning process.

3 Q. Okay. So you support having an  
4 economic analysis as one input to the decision-making  
5 process at the forest management unit level?

6 A. In terms of where there is a specific  
7 problem that has to be resolved and it has an economic  
8 component to it.

9 Q. And if we were talking about things  
10 like the size of clearcuts, that has an economic  
11 component to it?

12 A. Depending whether you wanted to limit  
13 that to wherever, yes, it certainly could, no question.

14 Q. Now, let's say that is the  
15 circumstance, someone is concerned about on one of your  
16 FMUs the size of clearcuts. Now, in that circumstance  
17 will there be a practical economic framework used to  
18 assist in addressing that concern?

19 A. If somebody had a specific concern  
20 about a specific clearcut, or are you talking about  
21 generally or a management unit in the planning process,  
22 I don't like clearcuts this big.

23 Q. The first -- I think your answer is  
24 yes.

25 A. For a specific concern the answer



1 would be yes. If somebody said, for example, the 200  
2 hectares which are allowed in the clearcut by the  
3 guidelines is too large, I don't want that close to my  
4 habitation or whatever it may be.

5 Q. Now, what happens when they have to  
6 come in and say: We don't want any clearcuts on your  
7 forest management unit any bigger than this.

8 A. I think we would get into probably an  
9 enhanced planning process that would carry on the way  
10 Mr. Munro described this several times in the last  
11 couple of days.

12 Q. And part of that would comprise a  
13 practical economic framework upon which to determine  
14 reasonable land use decisions on an integrated basis?

15 A. We've suggested in our terms and  
16 concerns that it would be appropriate for the district  
17 manager to do that if he or she had to adjudicate upon  
18 what the correct thing was.

19 Q. Okay. Now, back to what I feel is  
20 the really key issue here is, how do we reconcile the  
21 proprietary nature of some of the economic data and yet  
22 maintain some consistency or transparency in the  
23 economic analysis?

24 A. I'm not sure why you would want  
25 consistency as each case is probably -- are you talking

1 about consistency in terms of methodology of  
2 assessment?

3 Q. No.

4 A. Okay.

5 Q. Let's take one particular case.

6 We've got one of your FMUs, someone comes in and says:  
7 I want clearcuts no bigger than 50 hectares. You say:  
8 Well, if we go 50 hectares here's what it implies for  
9 us in terms of increased access costs, increased  
10 harvesting costs, increased renewal costs, whatever the  
11 implications are. That information will be  
12 forthcoming?

13 A. I would suggest that information  
14 could be obtained in a confidential manner through a  
15 consulting firm, much as the way it's done now.

16 There is a considerable body of  
17 information out there that's been recently made  
18 available through consulting firms, such as the ones  
19 that work for the industrial restructuring commissioner  
20 for example, in which they have a broad enough base of  
21 information to be able to supply masked information and  
22 yet have sufficient competence to be able to test that  
23 against the individual company or situation in  
24 contention, I suspect.

25 MR. COSMAN: Just to give an example of

1 this to Mr. Hanna. With respect to Mr. Ross' evidence  
2 for the Board, he obtained confidential information  
3 from member companies of the associations on the term  
4 and condition that he would not disclose any such  
5 information received to any of the other companies.

6 So that obviously there's a dilemma here  
7 in a private enterprises system, we're not living in a  
8 state-owned enterprise system where everything is owned  
9 by the government in terms of the north and there's  
10 obviously a competitive factor at play and it is a  
11 difficult situation, but it's going to have to be dealt  
12 with in a manner such as that suggested by Mr. Innes.

13 But that reality of our culture and  
14 society has to be recognized in any system that is put  
15 into play.

16 MR. HANNA: Q. My understanding of that,  
17 Mr. Innes, is that Statistics Canada has a similar type  
18 of rule that they call their 75 per cent rule, that is  
19 used to maintain confidentiality the same way. That's  
20 the principle we're talking about?

21 MR. INNES: A. I'm only vaguely familiar  
22 with the 75 per cent rule, but there would have to be  
23 some way to maintain confidentiality, I would think.

24 Q. So when we are talking at the forest  
25 management unit level, Mr. Ross would not be able to

1 mask the information as he did in his evidence here  
2 because he was dealing province-wide. In that  
3 particular case you would be talking about a specific  
4 company, a specific forest management unit.

5 A. True.

6 Q. It's pretty hard to mask that kind of  
7 information, that's right where the rubber hits the  
8 road. How do you deal with it?

9 A. Do a sensitivity analysis.

10 Q. Okay. See I'm trying to get at this  
11 in terms of how we can reasonably deal with this in  
12 terms of the Industry sitting there and the public  
13 sitting there, your interests are protected and yet the  
14 public gets that information.

15 So what you're saying, a sensitivity  
16 analysis saying: This is an approximate range of the  
17 implications in terms of our delivered wood costs, and  
18 the Industry would have to vet that?

19 The process would be one that the - and  
20 I'm not sure who would actually be doing this - but you  
21 would be preparing a sensitivity analysis in terms of  
22 delivered wood costs.

23 A. Let's assume, Madam Chair, it was J.  
24 E. Hanna & Associates, they would tap the database of  
25 information available from whatever source there may be

1 and I suggest there's a number of them which are  
2 appropriate. I would think they would do things like,  
3 say, the range of costs using this type of equipment  
4 for this haul distance or whatever would be between  
5 these things based on the numbers we have recently from  
6 "x" number of companies and we think that the company  
7 in question is not outside that range from our look at  
8 their operations and, therefore, if we ran a scenario  
9 at this end and that end and the middle the answers  
10 fall out somewhere in this spectrum. That's what I  
11 call a sensitivity analysis.

12 Q. I hate to use J. E. Hanna Associates,  
13 but you raised it. Who would J. E. Hanna Associates be  
14 working for?

15 A. They would be working in my mind for  
16 the district manager.

17 Q. So the district manager would be  
18 responsible for preparing that summary of the  
19 implications in terms of delivered wood costs and the  
20 implications in terms of other resource benefits?

21 A. The way our term and condition for  
22 the enhanced planning process reads, that's correct.

23 Q. Mr. Innes, just while I'm looking  
24 here, I think I may be finished with the Oppen paper,  
25 but...



1 A. Oh good.

2 Q. Are you familiar with the analysis  
3 that's undertaken by the U.S. Forest Service when it's  
4 preparing forest management plans, the type of economic  
5 information that is provided there, the socio-economic  
6 analysis that's done?

7 A. Not in detail, Madam Chair. I have  
8 looked at the odd U.S. Forest Service plan, but I have  
9 not dealt in detail --

10 MADAM CHAIR: Excuse me, Mr. Innes. Is  
11 this the same question you asked the witnesses this  
12 morning, Mr. Hanna? You mentioned something about a  
13 U.S. Forestry analytic framework for --

14 MR. HANNA: That was for visual quality,  
15 Madam Chair.

16 MADAM CHAIR: All right.

17 MR. HANNA: This is another --

18 MADAM CHAIR: This is another U.S.  
19 Forestry --

20 MR. HANNA: This is dealing with  
21 socio-economic evaluations of alternative timber  
22 management options, the type of information it may  
23 present and that's what I was asking the witness about.

24 MR. INNES: I am not familiar in detail  
25 with that. I know they have a volume of plan that does

1 that, but I have not sat down and analysed the content  
2 or the methodology they use to go through that.

3 MR. HANNA: Q. The only reason I asked  
4 it was more in terms of the nature of that, if that was  
5 the type of output that you would be looking for in  
6 terms of, at least from a socio-economic point of view,  
7 providing that practical framework?

8 MR. INNES: A. I'm not able to answer  
9 that question either yes or no.

10 Q. There was one other thing here in the  
11 paper that I wanted to deal with, that was on page 9  
12 under the heading measurability. And as I understand  
13 measurability, it's comparable to what we would call  
14 compliance monitoring or auditing. Is that the way you  
15 read that?

16 A. Just a moment, please.

17 MR. MARTEL: What page are we at?

18 MR. HANNA: Page 9.

19 MR. INNES: Yes, he speaks of compliance,  
20 deviations, such things. So I presume that's  
21 compliance monitoring.

22 MR. HANNA: Q. And he says: "Here is a  
23 classic case of overkill", and he goes on to explain  
24 why he feels that there is much too much regulation in  
25 the system in terms of compliance, he also makes

1 reference to the amendment process. Is that your view  
2 also?

3 MR. INNES: A. Madam Chair, I was  
4 looking for the date on this draft. Could you assist  
5 me as to what date --

6 Q. Certainly. I believe the conference  
7 is held in March.

8 A. Just which year is what I'm looking  
9 for.

10 Q. I believe it's 1988, but I can  
11 confirm that. It was either 1988 or 1989.

12 A. There has been a tremendous amount of  
13 variation and variability and the degree of compliance  
14 monitoring carried out throughout the province and it  
15 was a problem for my company originally when we started  
16 in the FMA process in terms of, they were measuring  
17 exactly the same thing we were measuring; for example,  
18 quality of tree planting, for example, would be an  
19 appropriate one.

20 And at that time we were quite concerned  
21 about over monitoring or over checking because we were  
22 quite prepared to give them our data and say: Spot  
23 check if you wish, but please don't put your plots in  
24 beside our plots, it doesn't make sense. That has  
25 since subsided and has come down to a much more

1       rationale level I think consistent with Ministry's  
2       mandate in what's appropriate.

3               So in terms of my company now, I can't  
4       say that sort of thing is happening, but I cannot make  
5       that as a general statement for the Industry across the  
6       province, Madam Chair.

7               Q. Well then, is it -- it's fair to say  
8       then that as far as the planning process that you've  
9       brought forward that you do support the need to  
10      carefully monitor the objectives and the performance  
11      thereof?

12              A. Most certainly, as you have to both  
13      establish that the operations are being carried out in  
14      accordance with prescribed procedures and, secondly,  
15      you have to monitor results in terms of: Are you  
16      getting to where you're supposed to be getting to to  
17      achieve the objectives.

18              Q. Mr. Innes, I would like you to turn  
19      to page 22 of the OFAH terms and conditions, and I  
20      would like to look specifically at term and condition  
21      123 and 124.

22              MR. MUNRO: A. Sorry, I missed that. I  
23      am slow on the go again.

24              Q. Page 22 term and condition 123 and  
25      124. Have you had a chance to read those, Mr. Innes?

1 MR. INNES: A. I have read 123, Mr.  
2 Hanna.

3 Q. Okay.

4 A. Yes, I have read those.

5 Q. Okay. Now, 123, is that consistent  
6 with the type of socio-economic assessment that you  
7 would like to see at the forest management unit level?

8 A. I'm not sure I can answer that, Madam  
9 Chair. I have very little formal training in socio --  
10 quantitative socio-economic evaluation, however, I do  
11 have some as a forest economist, but I don't know how  
12 you go about developing standardized prediction  
13 procedures that could be used at a local level.

14 So I'm having trouble with whether or not  
15 that's possible and, if so, what it would mean in terms  
16 of scope, level of analysis, depth of meaning of  
17 output, and understandability or comprehensibility by  
18 the general public.

19 Q. Okay. Those are all caveats. The  
20 first caveat is, you don't know what the tools might  
21 look like; the second is, you're not sure what might be  
22 involved in actually applying them.

23 A. I'm not sure whether it's possible to  
24 do that.

25 Q. Whether it's possible, okay. But



1 putting those two aside, saying you've got positive  
2 answers to those, the tools are available and it's  
3 feasible to do it, is that the kind of output that you  
4 would want to have as part of the timber management  
5 planning exercise in terms of socio-economics?

6 A. I would answer that in this way:  
7 Those types of output would be of assistance to a plan  
8 author, to somebody trying to make a decision in terms  
9 of: What does this mean in terms of implications on  
10 the socio-economic front.

11 Q. Okay. Mr. Fry, you have been quiet  
12 much of the day. I have been wanting to talk to you  
13 because I was very encouraged by something that you  
14 said when Exhibit 1279 was introduced, which was the  
15 comparison with the revised terms and conditions of the  
16 Ministry.

17 Now as I understand it, and perhaps maybe  
18 just to assist this you should also have out the OFAH  
19 terms and conditions, the section dealing with public  
20 consultation, it starts on page 12.

21 MR. FRY: A. The OFAH?

22 Q. Yes, OFAH terms and conditions. What  
23 we haven't done - and I will be doing I hope in my  
24 evidence, my evidence, the evidence that I will be  
25 leading - is preparing a comparison similar to what

1       you've done here, except we'll be including the OFAH  
2       terms and conditions, but that hasn't been prepared and  
3       that's what I would like to do right at the moment.

4                     Just briefly, the Industry as I  
5       understand it is proposing two formal open houses;  
6       correct?

7                     A. That is correct.

8                     Q. Now, the OFAH is proposing two open  
9       houses also and I want to see if the open house, the  
10      first open house - it's the first open house I'm  
11      particularly interested in - if the first open house  
12      that we're proposing is comparable to efirst open house  
13      that the Industry is proposing.

14                    And if you could perhaps just read  
15      through 68 through to 74 which describes the lead up to  
16      the first open house, and then read 75, and I would  
17      like to ask you how 75 matches with what you have in  
18      Exhibit 1279.

19                    MR. HANNA: Madam Chair, we are sitting  
20      until...?

21                    MADAM CHAIR: Four o'clock, Mr. Hanna.

22                    MR. HANNA: Four o'clock.

23                    MADAM CHAIR: Ms. Swenarchuk is  
24      addressing the Board at four o'clock.

25                    MR. FRY: What was the question now?

1 MR. HANNA: Q. Okay. Now, let's --  
2 conditions 68 through to 74 are various matters that  
3 have to be dealt with leading up to the first open  
4 house. Are there any substantive differences between  
5 what's proposed there and what the Industry is  
6 proposing up to the first open house?

7 There may be minor differences, I realize  
8 the terms and conditions are different. I want to see  
9 if we've got some fundamentally different concept of  
10 what should be taking place in terms of public  
11 consultation up to that point. So I'm not trying to  
12 play on words here, I'm interested in substantive  
13 differences?

14 MR. FRY: A. I'm not sure whether there  
15 are a great deal of differences because I'm not too  
16 sure of what will appear based on your number 75 at  
17 your open house when you talk of production  
18 possibilities.

19 Q. Let's come to 75. I'm going to deal  
20 with 75 separately, Mr. Fry. I just really was wanting  
21 to deal with 68 to 74 first.

22 A. Okay. Up to the stage of the first  
23 open house?

24 Q. Yes, please.

25 A. I would think there is a

1 difference -- there is a difference, yes.

2 Q. And that is...?

3 A. Maybe there isn't a difference. In  
4 our process, early in the pre-planning phase is the  
5 notice of public review, notice of plan preparation  
6 that goes out in which we solicit input from a variety  
7 of individuals, and one of the things that we are  
8 soliciting input on is the matter of the preparation of  
9 the values map.

10 And based on what I read here in your,  
11 the draft terms and conditions of the Federation, it  
12 would seem to me that it is relatively similar to our  
13 process.

14 Q. Up to that point?

15 A. Up to that point.

16 Q. Okay. Now, let's deal with 75 and  
17 that's really the reason I came to this. I have heard  
18 you say --

19 MR. INNES: A. Excuse me, I think  
20 there's more to it than that.

21 Q. I'm sorry.

22 A. There's a lot of background  
23 information being pulled together in our proposal prior  
24 to the first open house, information centre -- did you  
25 call it information centre, Mr. Fry?

1 Q. Mr. Innes, just before we go off on  
2 that tangent, because I think it may be a tangent,  
3 there wasn't a suggestion here that all of the  
4 background assembly of data, pre-planning that the plan  
5 author and various members of the local technical  
6 committee would be undertaking would not be carrying  
7 forth. This is dealing with public consultation in the  
8 form of not even your committees, but the general  
9 public. This isn't suggesting all of the things that  
10 have to take place, this is simply what contact there  
11 will be between the public and the plan author or the  
12 Ministry.

13 A. I see. Thank you.

14 Q. So I'm happy to hear your answer, if  
15 it's still appropriate, but if it isn't, then I'd  
16 prefer not to.

17 A. If it's just consultation, Madam  
18 Chair, then the answer is probably not appropriate.

19 Q. Mr. Munro?

20 MR. MUNRO: A. The only thing I would  
21 like to add to that is condition No. 73 which reads:

22 "The next public notice will be  
23 circulated once the analysis of  
24 reasonable production possibilities is  
25 ready for review." Tends to leave it



1 open ended and we have a very structured timetable  
2 where that work has to be completed by. I would  
3 suggest that there has to be a time frame attached.

4 Q. Good. Thank you. Okay. Now, Mr.  
5 Fry, I would like to deal with condition 75, and you  
6 had indicated that in that first open house that there  
7 would be alternatives presented to the public.

8 I didn't get your words down directly,  
9 but I got the sense from what you were saying that  
10 there would be a range of alternatives presented to the  
11 public.

12 MR. FRY: A. When I was talking about  
13 this two days ago?

14 Q. Yes, when you were talking about  
15 Exhibit 1279, and I just want to make sure I understood  
16 that because it could save a lot of questioning.

17 A. What is presented at that first  
18 information centre that we hold are the executive  
19 summaries of the background information, the integrated  
20 resource database, and the report on past operations  
21 and proposed management objectives and targets and  
22 strategies.

23 Q. But no alternative targets and  
24 strategies, just: These are the targets and strategies  
25 proposed.

1                   A. There could well be a discussion of  
2 alternative courses of action as a part of the process  
3 of developing the preferred management objectives.

4                   Q. But it's not mandatory in the way  
5 that it's set out in condition 75 by the Federation.

6                   A. What isn't mandatory?

7                   Q. The need for alternatives, the need  
8 for alternatives, the need for -- the term that's used  
9 here production possibilities and the fact that there  
10 has to be a quantitative description of their  
11 attributes and a summary of their advantages and  
12 disadvantages?

13                   I just want to make sure --

14                   A. I'm not sure that we specifically  
15 identify that, but if there were alternatives then it  
16 would certainly be part of the analysis. They would  
17 come through as part of the analysis of background  
18 information, for example.

19                   Q. But it's not required, it's not  
20 mandatorially set out: Thou shalt prepare a range of  
21 alternatives, production possibilities.

22                   A. It may not be mandatory in our  
23 witness statement.

24                   Q. So that's a substantive difference  
25 between the open house that you would present and the

1 open house that the Federation would present as  
2 described in these terms and conditions. You would  
3 still want to see the timber and non-timber values, the  
4 objectives, all of the things we've talked about  
5 presented there in a draft form at that first open  
6 house, simply a matter of the range of those that would  
7 be presented?

8 A. That's correct.

9 MADAM CHAIR: It's time for the afternoon  
10 break, Mr. Hanna.

11 MR. HANNA: Actually it probably is,  
12 Madam Chair, because I was just about to start  
13 scratching at questions. So I'll try and do that over  
14 the break.

15 MADAM CHAIR: Thank you, Mr. Hanna.

16 ---Recess taken at 2:40 p.m.

17 ---On resuming at 3:00 p.m.

18 MADAM CHAIR: Please be seated.

19 MR. INNES: Madam Chair, I will raise an  
20 issue prior to Mr. Hanna starting his next question,  
21 just so you know.

22 MR. HANNA: What did you say?

23 MADAM CHAIR: Mr. Innes?

24 MR. FRY: Madam Chair, I may have left  
25 the impression that there was some inconsistency

1 between my answer and my comments two days ago relative  
2 to are there alternatives provided at our first open  
3 house, and there are indeed going to be alternatives  
4 that would be presented.

5 If you turn to page 88 of our witness  
6 statement under 6.0 you will see at the end of the  
7 first paragraph:

8 "The plan author should, if possible,  
9 present various proposed objectives and  
10 targets to include a range of management  
11 strategies."

12 In that type of thing, what we would see  
13 happening is that there could be a range of -- that  
14 there would be a number of MAD runs, for example, that  
15 would be run that would present different options  
16 relative to depletion -- allowable depletion rates.

17 There would be presented at that open  
18 house as part of this section the silvicultural ground  
19 rules that provide number of different options that are  
20 available there.

21 These things of course would already have  
22 gone through some vetting in the public domain in that  
23 at the time we go to the open house they would have  
24 gone through review by the public advisory committees  
25 and the public advisory committee may ask that several

1 other alternatives be looked at, they may come up with  
2 alternatives of their own.

3 Our own alternatives would be developed  
4 based on analysis of problems and issues that arise at  
5 different stages in our pre-planning phase, and those  
6 are -- one of the things that would have to be done as  
7 part of identifying problems and issues is developing  
8 strategies that would deal with them.

9 So at the time of our first open house I  
10 think that there would be, although it may not be  
11 contained in the first part of the witness statement,  
12 it would be a requirement that there be alternatives  
13 looked at and presented.

14 MR. HANNA: Q. Yes, that is helpful, Mr.  
15 Fry. Now, the types of alternatives described were  
16 different MAD runs, and we had gone through that in  
17 detail and I think I understand clearly what's involved  
18 there, and that affects depletion rates in terms of  
19 that's how we develop an annual allowable cut, hence  
20 the depletion rate for the unit; correct?

21 MR. FRY: A. That's correct.

22 Q. So that would be one set of  
23 alternatives we'd have, and you mentioned we'd also  
24 have alternative silvicultural ground rules.

25 A. Yes.



1 Q. Now, the message that Dean  
2 Baskerville, or one of the messages that Dean  
3 Baskerville was conveying in this presentation to the  
4 House of Commons exhibit, I believe it's 1281, is the  
5 at the bottom of page 13, the very last paragraph  
6 there:

7 "The first issue has to be to find a way  
8 to explain to the public owners of the  
9 forest what they could have, what is  
10 achievable, consistency between ends and  
11 means."

12 Do you see that? Now, it's the  
13 consistency between ends and means that I'm interested  
14 in. With the MAD I see that connection being there, so  
15 it says: If we have a rotation age of, you want an old  
16 growth forest, that means we've got to extend our  
17 rotation age longer, here's what the implications are  
18 in terms of harvest.

19 So you can't have all the jobs and old  
20 growth forest at the same time, and the people see the  
21 connection between what they wanted and the means to  
22 get it. Do you follow that?

23 A. I believe I follow that, yes.

24 Q. Okay. Now, I want to see how that  
25 same connection applies with silvicultural ground

1 rules, that's where I have the difficulty in seeing the  
2 connection between the means and the end because of the  
3 lack of specificity of the ground rules in terms of  
4 what's actually going to happen on a specific site.  
5 Can you address that for me, how will the public be  
6 able to relate?

7 A. When you -- maybe I could get some  
8 clarification from you first. When you say from the  
9 beginning to the end, you're talking starting off at  
10 the stage of regenerating the a cut-over and getting to  
11 the stage of the final forest, final harvest?

12 Q. The final harvest. Well, I would  
13 even start -- wherever you want to start the cycle, it  
14 could be harvesting and ultimately harvesting again, or  
15 regenerating, going to harvest, it doesn't make any  
16 difference. But, yes, that cycle.

17 Like classically the public might come  
18 forward and say: We don't want use of chemicals in the  
19 forest. They don't understand what the implications of  
20 that might be and how are those implications brought  
21 forward to the public?

22 A. I believe that the development of the  
23 ground rules is based largely on -- has to be based on,  
24 among other things, the various silvicultural  
25 guidelines that have been developed for use in timber

1 management in Ontario.

2 And I think that those, those  
3 silvicultural guidelines address in great detail how  
4 forests develop, both on a natural basis and on the  
5 managed basis. So that for the public to understand  
6 how you're going to get from harvest to harvest, you  
7 would have to be able to explain to them, present --  
8 give them the guidelines, and if they wish to have some  
9 help in interpreting them, then sitting down with them  
10 and doing that.

11 Q. But let's just really think about  
12 what we're talking about here when we say consistency  
13 between ends and means. I see the silvicultural ground  
14 rules as being a means, timber management -- acceptable  
15 timber management techniques, the means by which you  
16 can achieve a certain objective and from a timber side  
17 of it that's a wood supply at a reasonable cost.

18 A. Okay.

19 Q. Now, I have to be able to connect  
20 that means to the end. You know, in the communities  
21 you deal with people are concerned about jobs at the  
22 mill, jobs in the woods, it's a regular concern.

23 A. That is correct.

24 Q. And people also come to you and say  
25 they are also concerned about spraying in the forest.

1 It's not an unusual concern to hear.

2 A. That's correct.

3 Q. Now, how do they see that connection?

4 I can't look at the silvicultural ground rules and say:  
5 Well, here's the silvicultural ground rules and here's  
6 what that means in terms of jobs at the mill or in  
7 terms of tourist opportunities or in terms of moose or  
8 whatever. That's the consistency, that's the break,  
9 and I'm wondering how you're going to present that to  
10 the public at this stage in the process.

11 A. I don't know how it would be  
12 presented in a generic sense. In the event that there  
13 is some process within that would be followed, it would  
14 be prescribed by the silvicultural ground rules that  
15 someone would have a concern over, and if you want to  
16 use spraying as an example that would be a good one to  
17 use, then we would follow the process that Mr. Munro  
18 has outlined earlier, whereby you would sit down and  
19 talk to the person about the implications of spraying  
20 and not spraying.

21 Now, I'm not sure that that's going to  
22 get the message across to the public generally, but  
23 that you have to start somewhere. I would think that  
24 you would have to start with the people that are going  
25 to show up and express a concern in that respect.

1 Q. Another way to do it would be to  
2 present the implications of alternate silvicultural  
3 prescriptions in terms of wood supply costs and total  
4 wood supply over time?

5 MR. MUNRO: A. At the risk of going off  
6 on a tangent, we have covered that specific detail  
7 earlier today, and we could go through it again, on how  
8 our proposal focuses on what people have specific  
9 problems and concerns and taken up there.

10 Q. But, Mr. Munro, Mr. Fry's already  
11 told me and I can tell you right now there will be  
12 evidence that my client will be bringing forward  
13 showing the public has a real concern with use of  
14 chemicals in the forest, chemicals on a specific site,  
15 chemicals in the forest. Now, whether that's a well  
16 founded position or not is another issue, but that's a  
17 concern.

18 A. And in our process that can be tabled  
19 and brought forth at a number of fronts. It can be  
20 brought to the provincial committee, the regional  
21 committee, the local advisory committee, the plan  
22 author, the technical experts and we can go through  
23 that process at every point, but I feel that you  
24 understand it.

25 Q. Yes, and what I'm really interested



1 in is this point that Dean Baskerville makes, that he's  
2 made before this Board on many other occasions is a  
3 need for the public to understand the implications of  
4 the means and the end, and I don't see how you can deal  
5 with that unless you say: Here's a range of  
6 silvicultural prescriptions, here's a set with no  
7 chemicals, here's what the consequences are in terms of  
8 wood supply and in terms of other non-timber values,  
9 here's a set of prescriptions with another suite of  
10 alternatives, here's what it means.

11 MR. INNES: A. That can be done to some  
12 extent, Madam Chair, in terms of: The way we have  
13 structured this, we have deliberately, as you know,  
14 separated the plan from the database with the idea  
15 being the detail being in the database which is where  
16 the detailed discussions take place as to how to  
17 understand this.

18 Mr. Munro and Mr. Fry have talked about  
19 numerous allowable cut calculations that are done using  
20 different scenarios. One of the scenarios, using Mr.  
21 Hanna's example of a lower survival rate, for example  
22 in plantation, by not using chemicals on a rich upland  
23 site will result in a different volumetric calculation  
24 and a different forest structure coming out of that  
25 which is the sort of thing you would discuss in dealing

1 with somebody who had a concern as to what impact of  
2 using or not using chemicals might be in terms of  
3 herbicides and what some of those tradeoffs might be in  
4 terms of at least timber production, and you would have  
5 to use a technical expert from the wildlife side to  
6 explain the implication of that.

7 Our position on this is you cannot come  
8 up with a table in which you trade things off. What  
9 you have to do is sit down and have detailed  
10 discussions between the person with the concern and  
11 with the appropriate technical experts to explain how  
12 those tradeoffs are made and what some of the  
13 implications are, but you certainly want to have that  
14 wealth of detail in the database, the technical experts  
15 available, and the openness we have described with  
16 which those discussions will take place.

17 Q. And in the event that that concern is  
18 raised, then invoke the enhanced planning process if  
19 necessary?

20 A. If necessary. You start with  
21 discussion and understanding of what the implications  
22 are, what some of the tradeoffs may be, and if that  
23 doesn't work, you go into the enhanced planning  
24 process. And I don't want to describe that again.

25 Q. Mr. Fry?

1 MR. FRY: A. As I am not familiar with  
2 too many of the computer models that can be used to  
3 generate MADs, but I think that some of the more  
4 sophisticated ones now do provide alternative yield  
5 curves that are plugged into the models to model what  
6 happens in terms of volume in the event that you  
7 practice a form of silviculture that has a higher -- or  
8 a chance of a higher or a chance of a lower yield than  
9 would normally be expected.

10 So there are possibilities of using those  
11 models and as time goes on I am sure that they are  
12 going to be become more sophisticated and more user  
13 friendly and more commonly used.

14 Q. And as those become more commonly  
15 used, do you see that as being beneficial in terms of  
16 getting messages through to the public in terms of what  
17 I'll call production possibilities?

18 A. I certainly would, yes.

19 Q. I would like to deal with one more  
20 thing here on public consultation with you, Mr. Fry. I  
21 would like you to look at OFAH terms and conditions  
22 again on public consultation, in specific condition 75.

23 Unfortunately, I can say this because I'm  
24 criticizing myself. This one actually has several  
25 conditions in it and I expect we'll probably break it

1 into two or three conditions to make it clear.

2 But the second part of it says that::

3 "Attendees shall be encouraged to submit  
4 written comments regarding their  
5 preferences among the alternatives and  
6 a printed summary to be designed to  
7 facilitate such feedback. To the extent  
8 possible, their preferences shall be  
9 quantified in relative terms with respect  
10 to the feasible alternatives presented."

11 And the rationale explains the type of  
12 formal soliciting and analysis of comments that might  
13 be done. Is that the -- is anything like that proposed  
14 by the Industry at the present time?

15 MR. FRY: A. In terms of an analysis of  
16 the public response?

17 Q. A formal procedure, No. 1, to solicit  
18 and compile the response; and, No. 2, to analyse the  
19 responses once they have been given?

20 MR. MUNRO: A. Madam Chair, Mr. Martel,  
21 what we have done in our proposal, after the first open  
22 house - or we call it an information centre - the  
23 results of the public comments and concerns are  
24 summarized, they are presented in supplementary  
25 documentation, they are highlighted and taken to the

1 integrated resource users committee so that that  
2 committee has an opportunity to have some feeling for  
3 what the general populace is looking for and it is  
4 explained to them in some detail and they have the  
5 opportunity to provide additional comments on those  
6 comments that the general public raise, as well as the  
7 advisory committees at the local level.

8 Q. Mr. Munro, we understand the process,  
9 the Board's heard that. Like the enhanced planning  
10 process, I think we've got a good understanding of  
11 that.

12 The question was really a very simple  
13 one, and that was: Will there be a structured process  
14 whereby the public can record their comments,  
15 questionnaire, some type of structured basis to obtain  
16 public comment, and will there be a formal basis to  
17 compile and analyse that response?

18 A. I think I just answered that.

19 Q. I'm sorry, I certainly didn't  
20 understand that.

21 A. The answer is yes.

22 MR. FRY: A. The answer would be yes.  
23 I'm sure that at the open house we would have forms  
24 available for people to comment and write their  
25 comments on, perhaps even assistance in putting their



1        comments down if they so desire.

2                    Q.    Now, on page 26 of the witness  
3        statement, paragraph 8, it's indicated - in fact I  
4        think Mr. Munro you just spoke to this - the fact that  
5        the summary of the comments would be presented to the  
6        IRUC; correct?

7                    MR. MUNRO:    A.    Yes.

8                    Q.    Now, I was interested in knowing why  
9        you would not present those summaries first to the  
10       local citizens committee?

11                   A.    It's a good point.

12                   Q.    Out of four days you got to get one.

13                   A.    And I think we have covered it to the  
14       extent that we did organize a formal meeting prior to  
15       going to the open house to go over some of the concern  
16       or some of the proposals with the advisory committee.  
17       We also have allowed for some meetings that don't  
18       formally fit into the timetable.

19                   Mr. Hanna has a very good point, it would  
20       be nice to go back to the local citizens group and say  
21       we had this public involvement and here are the  
22       concerns that came up.    It's an excellent idea.

23                   Q.    Slowly, slowly there, it's going to  
24       my head.    All right.    Paragraph No. 9 indicates that on  
25       January 1st that the proposed objectives, targets and

1 strategies will have been decided upon; correct?

2 A. What number is that, Mr. Hanna?

3 Q. Paragraph 9.

4 A. Very good. Yes, that's correct.

5 Q. And I didn't see where the decision  
6 in terms of the objectives themselves actually occurs,  
7 like who's involved and where is it found, where in  
8 this timetable does that decision get made, because  
9 that seemed to me a critical decision. You put out  
10 that range of objectives and then you make a decision  
11 as to the ones on which you're going to construct the  
12 plan around. When does that occur in this?

13 A. If you go down the page to Section  
14 3.3(a) is where that would occur.

15 Q. Timing. The first part here is  
16 timing. I'm interested in knowing the scheduling first  
17 and then...

18 A. What we have allowed for is a period  
19 of time for the plan author to work with people that  
20 identified concerns and the advisory committees and  
21 develop the final draft plan.

22 So where it appears for the first time  
23 would be where the plan author goes back to the  
24 advisory committee saying: I've talked to all the  
25 people that had some concerns, I've taken a look at the

1 options that were available and I would like to put or  
2 table this one in my draft plan.

3 Q. Maybe we're at cross-purposes here,  
4 Mr. Munro. October 1st did - October 31st you have  
5 your information session?

6 A. That's correct.

7 Q. January 1st -- or I'm sorry, December  
8 1st you take the results of that to the IRUC, and  
9 flowing out of all of that at some point, not specified  
10 in the schedule there, a determination in terms of the  
11 objectives around which the plan is going to be made is  
12 made, the draft plan is going to be prepared is made?

13 A. That's correct.

14 Q. There doesn't seem to be much time  
15 there, and I'm just interested in knowing how that  
16 final decision will be made, who's involved and --

17 A. The plan author takes -- in some  
18 cases there will be different strategies put in place,  
19 there might be different objectives put in place, as  
20 Mr. Fry indicated, at the beginning when we came back  
21 after the break, that that will have gone through the  
22 advisory committee and they will have provided some  
23 advice.

24 Using their advice, the plan author would  
25 pick what best suited his particular or her particular

1 forest management unit and actually go out and produce  
2 a plan, a draft plan. During the production of that  
3 draft plan, he would be aware of those objectives and  
4 try to achieve them. In some cases it might mean going  
5 back and selecting another one because it was not  
6 achievable.

7 Q. Yes, I appreciate that. So between  
8 December 1st and January 1st the plan author sits back  
9 and cogitates on what he's heard from the public, what  
10 he's heard from IRUC, what he's heard from the district  
11 manager and whatever and says: Okay, well, it sounds  
12 to me like this is what everybody wants, I'll prepare  
13 my draft plan around those?

14 A. I will attempt to prepare a draft  
15 plan recognizing their concerns.

16 MR. FRY: A. I don't think that there is  
17 a specific timetable there. On January 1st plan  
18 preparation starts and there is a period of time that  
19 you have, until May 1st I believe it is, when you  
20 really have to have a draft plan in place, for  
21 presentation to the local citizens committee.

22 Obviously at some early stage in the  
23 going you have to decide on objectives and strategies  
24 and so on, so it will be relatively early in the  
25 process, but it may not be specifically on January 1st

1 or prior to January 1st.

2 Q. Okay. I went through my  
3 cross-examination and have crossed out great portions,  
4 but there are a few little dribbles and drabbles that  
5 that left over and I'm just picking up the dribbles and  
6 drabbles here.

7 Mr. Innes, we talked about objectives.  
8 One of the things we didn't talk about objectives was  
9 objectives on a watershed basis in terms of water  
10 quality.

11 Would you see the establishment of  
12 objectives at a watershed level in terms of water  
13 quality being consistent with the planning approach  
14 that the Industry is proposing particularly with  
15 respect to assisting in making decisions with respect  
16 to deviation from the fish habitat guidelines?

17 MR. INNES: A. I'm not sure I know  
18 enough to be able to answer that question, Madam Chair,  
19 as to whether or not you could put a water quality  
20 objective - which is I believe you said, were your  
21 words - for a forest management unit, given there are  
22 many different types of lakes and streams and what have  
23 you there.

24 Are you speaking in terms of turbidity  
25 and pH and those sorts of things, Mr. Hanna?



1                   Q. Let me clarify. I was talking about  
2 things such as -- probably suspended sediments would be  
3 a more appropriate one, but suspended sediments,  
4 perhaps temperature, perhaps phosphorus as being a  
5 nutrient that might be leached during harvesting. That  
6 those types of objectives would be set on a watershed  
7 or a water body basis?

8                   A. Stream by stream?

9                   Q. It could be stream by stream, but the  
10 question that I really wanted you to answer, I'm not  
11 asking you to give me an opinion as a hydrologist or as  
12 an aquatic biologist or a limnologist or whatever.

13                  A. I could not, I assure you.

14                  Q. Of course, and that wasn't my  
15 question. My question was: Would the setting of those  
16 objectives, if that was deemed appropriate by those  
17 experts, would that be consistent with the planning  
18 approach that the Industry is proposing and could it be  
19 incorporated as you currently envisage the plan?

20                  A. The Industry proposal is designed in  
21 such a way that quantitative objectives are a part of  
22 the process and in Mr. Hanna's proposal that he is  
23 asking me to comment on, quantified objectives where  
24 specified will be appropriate in our planning process.

25                  I have difficulty grappling with the

1 holistic approach from my past experience and the  
2 complexity of water control on a management unit in  
3 terms of: The Chapleau River looks brown and it has a  
4 totally different characteristic than the water in  
5 Missinabie lake, for example, but...

6 Q. I'm not asking you as a limnologist  
7 how to deal with it, Mr. Innes, I'm just asking you in  
8 terms of a process point of view, and I think you have  
9 answered, yes, it would be consistent.

10 A. That is correct.

11 Q. Secondly, in terms of the flexibility  
12 issue that we've talked about, cost effectiveness, Dr.  
13 Schiefer came forward here and spoke about the need to  
14 provide some flexibility of the fish habitat guidelines  
15 and one of the avenues that I explored with him was the  
16 possibility of providing a water quality objective  
17 around which then the deviation could be evaluated.

18 Would that also be consistent from a  
19 process point of view with the type of planning process  
20 that the Industry is proposing?

21 A. I would suspect it would be, Madam  
22 Chair. Again, I'm right out of my field, but in terms  
23 of the planning process, it makes theoretical sense.

24 Q. Can we turn to page 27 of the witness  
25 statement, please. Under Section e) Planned Harvest,

1 various factors are considered there in terms of  
2 setting the planned harvest level. I'm interested in  
3 knowing why non-timber values are not included as a  
4 consideration in determining level of harvest and I'm  
5 not sure who on the panel should answer this.

6 MR. MUNRO: A. It's Mr. Fry's section.

7 Q. All right, Mr. Fry.

8 MR. FRY: A. When we're looking at  
9 planned harvest what we're really looking at are the  
10 wood requirements for the mill or mills that require  
11 wood that's going to be coming off of this particular  
12 management unit, and really the only thing that drives  
13 that is the nature of the mills themselves.

14 As to how much wood we can expect to get  
15 off of this particular management unit, is going to be  
16 the result of prognostications as to what the mills'  
17 requirements are going to be, by species and product  
18 over the five years that will be covered by the plan,  
19 it's going to involve an analysis of what alternate  
20 sources of wood may be tapped into during that period  
21 of time, and in the final analysis you would come up  
22 with an estimate of the amount of wood that would be  
23 required off of this particular forest management unit  
24 for that mill. It may or may not be available at this  
25 point.

1                   At a later stage in the process you will  
2     be looking at your allocation and the volumes that  
3     could be available off that allocation after all of the  
4     planning has been done to provide for other forest  
5     uses, and in the event that there is a shortfall from  
6     what you expect to get to what you can get, that's  
7     going to have to be addressed in the plan.

8                   Q.   Okay.   And so as an example here  
9     you're from a demand point of view what we want and  
10    then you look on the supply side and look at how those  
11    two match, and if they don't match, then you have to go  
12    back and readjust your demand?

13                  A.   That's correct.

14                  Q.   So that's why non-timber values don't  
15    come into it?

16                  A.   Not in looking at planned harvest.

17                  Q.   The planned harvest.   Now, in Section  
18    f) there, Mr. Fry, the last sentence indicates that:

19                        "It is not always feasible or good  
20                        management simply to declare surplus or  
21                        identify a deficit situation using only  
22                        annual allowable cut models."

23                        What else is proposed to be used in  
24    determining whether or not a surplus or deficit exists?

25                  A.   I think we had an interrogatory --

1 MR. INNES: A. Yes, we did.

2 MR. YOUNG: A. MOE 18.

3 MR. FRY: A. Madam Chair, in preparing  
4 this particular section --

5 MADAM CHAIR: We are at Exhibit 1272, Mr.  
6 Fry?

7 MR. FRY: That's correct, yes.

8 MADAM CHAIR: MOE Question No. 18.

9 MR. FRY: Question No. 18. When we were  
10 preparing this witness statement we had within the  
11 industry a lot of experience, had experienced  
12 situations where based on forecasts of mill  
13 requirements and analyses of wood volumes that are  
14 available from the MAD area, the allocated area, that  
15 there apparently was a surplus of fiber that was  
16 available.

17 Until recently the only models that have  
18 been available for preparation of a MAD calculation  
19 have been OWOSFOP models which have become more  
20 developed with time but were relatively unsophisticated  
21 models in the early going which didn't look at things  
22 such as the storability of wood fiber and are there  
23 situations on the forest units where you can expect to  
24 store wood on the stump for a longer period of time  
25 than others, that would assist you to look in the



1 future in terms of wood fiber flow in a volume context  
2 as opposed to an area context.

3 With the development of new models, wood  
4 supply models that allow you to look at some of these  
5 factors, it is possible to determine whether or not  
6 there is volumes that will in fact or could be lost to  
7 mortality to stand decadence before you would be able  
8 to harvest them, given the requirements -- the fiber  
9 requirements off the licence during the five-year term  
10 of your TMP.

11 These models would then allow for a far  
12 more rational and accurate estimate of whether  
13 so-called surpluses can be stored or whether they can  
14 be declared as surplus and made available to other  
15 users. In the event they can be made available to  
16 other wood fiber users, then we would have no objection  
17 to that.

18 MR. INNES: A. Where there is a surplus.

19 MR. FRY: A. Where there is a surplus,  
20 correct.

21 Q. Thank you, Mr. Fry. Now, in using  
22 these alternate wood supply models, what  
23 rationalization, what documentation, how would you go  
24 about saying: Well, this is a more reliable estimate,  
25 in other words? Would that be documented in the plan?

1                   A. It would have to be documented and  
2 I'm not familiar enough with, for example, FORMAN to  
3 know the kind of inputs that go in to it and I'm not  
4 sure for those plans that have been prepared using  
5 FORMAN what the Ministry would require, but you notice  
6 that in our plan we had talked about the MAD criteria,  
7 in fact there is a table there that is set up to  
8 summarize the MAD criteria that would be plugged into  
9 OWOSFOP model and I would imagine that if the FORMAN  
10 model or any other model were being used, would be  
11 used, there would be a listing and a discussion of the  
12 criteria that would be used for those models

13                  Q. So you would want to see that  
14 included in the plan?

15                  A. In the background information.

16                  MR. INNES: A. If I may add, not just  
17 the criteria but a discussion of what the answers mean  
18 and a place wherein the answer would be in context so  
19 it's understandable by those reading it, other than  
20 taking just a number that tumbles out of the process.

21                  Q. And, Mr. Innes, would it be fair then  
22 to say also, if not necessarily in the supplementary  
23 documentation itself, at least some reference to some  
24 technical documentation that would say: Here's the  
25 constraints and here's the strengths of this particular

1 model?

2 A. Rather than constraints of a  
3 particular model, I would suspect we would put it into  
4 the database in detail in terms of what the calculation  
5 is and what it means.

6 Q. And also an understanding, give the  
7 public an understanding of the model itself in terms of  
8 its strengths and limitations?

9 A. Yes.

10 Q. Can we turn to page 28, Section 1),  
11 under the Identification of Harvest Blocks. Again here  
12 there is no mention of habitat forecasts, objectives,  
13 targets entering into this selection. Is there a  
14 reason that's not there, Mr. Fry?

15 MR. FRY: A. I'm not familiar with  
16 habitat supply analyses or models but I would imagine  
17 that depending on what is generated by them that you  
18 might well use that as part of your allocation process.

19 For example, the moose management  
20 guidelines at the present time provide options as to  
21 how one would go about breaking up the cut-over, so  
22 that could be considered in the allocation process.

23 Q. And that was actually the question I  
24 was asking. The issues like the harvest configuration  
25 in terms of shape and proximity of blocks to one

1 another throughout the forest management unit, they  
2 would be dealt with at this stage of plan development,  
3 that's where you would look at that spacial element  
4 also; is it, that would be a factor?

5 A. That's true. It would only be --  
6 most it would be in the identified values as we've  
7 listed here, it could be water quality, fisheries  
8 values and so on.

9 Q. Yeah, but the physical distribution  
10 of the stands, their proximity to one another, the size  
11 of the stand of the actual cut that takes place, all of  
12 those sorts of things would be dealt with at this  
13 stage?

14 A. That is true, yes.

15 Q. And those would be criteria in a  
16 sense that you would use?

17 A. One of many, yes.

18 Q. Yes, I understand that. On page 1) -  
19 or sorry, not page, it's getting late in the day - on  
20 page 28, the Section 1), Planned Contingency Areas you  
21 indicate, carrying over on to page 29 that:

22 "The amount of contingency would depend  
23 on the difficulty in predicting changing  
24 circumstances and the degree of  
25 uncertainty of the planned harvest

1 operation. The amount of contingency  
2 would relate to the risk associated with  
3 the plan and the level of comfort of the  
4 plan author."

5 How would you really -- how do you deal  
6 with level of comfort of the author, like, what does  
7 that mean?

8 A. Well, contingency areas as we see  
9 them are areas on which all of the planning is done in  
10 the event that there is some major catastrophe that  
11 happens during the plan period, and I could think for  
12 example of a major forest fire that could remove from  
13 the allocation a substantial area that we had assumed  
14 that we were going to be able to harvest and, as a  
15 result of the fire, we are no longer able to harvest  
16 it.

17 With the contingency area in there it  
18 gives us that opportunity to go to another location  
19 without having to go through the whole planning process  
20 on very short notice. There would obviously be a real  
21 timing problem in those kinds of situations.

22 As far as the element of comfort, I think  
23 that most of us feel that one year's worth of area  
24 would be a reasonable figure; however, it may be that  
25 in parts of the province that are more prone to fire



1       than others that one may want to have more than one  
2       year, but again that would depend on the author's  
3       analysis of what the likelihood is of fire and  
4       experience in that respect.

5                   It may also depend on the nature of the  
6       allocations. If a lot of your allocations happen to be  
7       in a relatively compact geographical area, there  
8       obviously would be a greater risk than if it were  
9       spread out over a larger geographic area.

10                   So these kinds of things would be put in  
11       and I don't know how you would define comfort level,  
12       it's based on the manager's experience in that respect.

13                   Q. But as a general rule of thumb the  
14       one year of cutting is the sort of thing that...

15                   A. That's generally what is used.

16                   Q. Now, the matter of risk and  
17       uncertainty pervades the timber management planning  
18       process not just harvest and forest fires, the  
19       effectiveness of silvicultural techniques also have a  
20       certain risk associated with them; do you agree?

21                   A. The effectiveness of silvicultural  
22       techniques?

23                   Q. Whether we are going to get our  
24       minimum stocking level, you know, there's all sorts of  
25       reasons why we may not achieve that.

1                   A. I guess theoretically that may be the  
2 case, although I think that silvicultural procedures  
3 have been refined reasonably well that that risk has  
4 been minimized.

5                   Q. Okay. Well, I guess that's my point,  
6 is, members of the public that are concerned about the  
7 degree of risk or uncertainty associated with the  
8 proposed plan, is there a means whereby they can get a  
9 feeling for that?

10                  Like, one option might be much more risky  
11 than another, and you provided an example of that, if  
12 all of your activities were focused in one area as  
13 opposed to spread across the unit there might be more  
14 risk associated with that. How would that be  
15 communicated to the public? Is there a formal process  
16 in your system?

17                  A. In our system we will have an open  
18 house, an information centre during plan preparation -  
19 if I can just look for the timing on this - July 15th.  
20 So in about -- in or about July 15th there would be an  
21 open house at which the plan, draft plan would be  
22 presented and on the maps and within the text of the  
23 plan there would be an identification of those  
24 contingency areas, so that it is clear just what area  
25 is in fact being put into the plan as contingency and

1 there would have to be some justification as to the  
2 amount of it and as to the reason for it, and that  
3 would be free for the public to scrutinize and  
4 question. We would have to discuss it with them and  
5 address it with them if they raised it as an issue.

6 Q. Okay.

7 MR. HANNA: I've got three, I think  
8 fairly simple matters, Madam Chair, and I think that  
9 might be a reasonable point to conclude for the day.

10 Q. I'll stay with you, Mr. Fry, and you  
11 can hand it off if you aren't the right person. Can we  
12 turn to page 97.

13 MADAM CHAIR: Excuse me, which page was  
14 that, Mr. Hanna?

15 MR. HANNA: Page 97.

16 MADAM CHAIR: Thank you.

17 MR. HANNA: Q. And at the top of the  
18 page there is a continuation of Section 4, this is part  
19 of the integrated resource plan, this is your actual  
20 plan itself.

21 And Section 4 is Management Objectives  
22 and Targets, and you indicate at the top of page 97:

23 "The environmental quality and integrated  
24 resource management objectives are  
25 usually stated in qualitative terms."

1                   Now, we have talked ad nauseum about the  
2                   need to quantify and be explicit. Why in this case are  
3                   you suggesting this as opposed to providing a  
4                   quantitative objective?

5                   MR. MUNRO: A. Mr. Fry has handed the  
6                   ball to me. When that was written it was to state  
7                   that -- or usually stated in past practices in  
8                   environmental terms, and we are hoping to get that  
9                   revised and get it fine tuned, as Mr. Innes has pointed  
10                  out, and down to something that is identifiable and  
11                  that you can put in the target and we certainly  
12                  recognize the need to move in that direction.

13                  Q. So that's not a statement of what  
14                  you'd like, that's simply a reflection of what's  
15                  happened in the past?

16                  A. That's correct.

17                  Q. Page 101 under the Access Plan, Mr.  
18                  Young, are you the access man?

19                  MR. YOUNG: A. Yes.

20                  Q. I will give you a question, you can  
21                  have one of the last questions here. Looking at the  
22                  first bullet under Access it says:

23                         "The precise locations; i.e., maximum  
24                         1,000-metre corridor width for  
25                         primary/secondary roads within specific

1 areas of concern."

2 Now, if I continue on down I see general  
3 locations of primary roads require a 100-metre corridor  
4 width, and I was trying to figure out why there's a  
5 thousand metres with the precise location and a hundred  
6 metre corridor in the general location.

7 A. I can answer that very simply, Mr.  
8 Hanna. There is a typographic error on that. We  
9 answered it in an interrogatory, in Ministry of the  
10 Environment's Interrogatory No. 28 and we provided the  
11 correct wording for that. So there was a typing error  
12 there.

13 Q. Okay, thank you. And the last  
14 question is to you, Mr. Young. You mentioned the need  
15 at the end of that section for strategies for use,  
16 maintenance, non-maintenance or abandonment are also  
17 being presented in this section.

18 And I'm interested in knowing whether as  
19 part of the Industry's planning process alternate use  
20 management strategies will be evaluated and presented  
21 as part of the normal access planning documentation?

22 A. As we presented in our evidence, we  
23 would develop use strategies for all primary roads and  
24 we would develop use strategies for the secondary  
25 access roads falling within an area containing a



1 recognized value. They would be developed for each  
2 road and would show up as background information in the  
3 supplementary documentation of those use management  
4 strategies as well as the plan.

5 Q. My question was this: For those  
6 roads that you have proposed use management strategies,  
7 would there be alternative use management strategies  
8 presented and for each alternative strategy would there  
9 be an evaluation of the advantages and disadvantages in  
10 a systemic form?

11 A. I think in developing of use  
12 management strategies we would utilize background  
13 information we've had to date. From that background  
14 information there may have been issues raised about use  
15 management strategies for that area, and I would say  
16 that in certain areas in developing those use  
17 management strategies alternatives may be required.

18 As well, once we develop use management  
19 strategies for roads and there are concerns raised,  
20 then we would go through the enhanced planning and  
21 develop alternative use management strategies.

22 Q. So the enhanced planning process can  
23 dictate this for use management strategies and through  
24 that process then alternatives would be looked at, the  
25 advantages and disadvantages of each alternative would

1 be presented and a decision made on that basis?

2 A. I think if use management strategies  
3 for specific roads were brought forward during the  
4 preparation of the plan, then our mechanism of the  
5 enhanced planning process would kick in if use  
6 management strategies -- the concern about use  
7 management strategies on a specific road because of a  
8 specific value, a gate on that road versus a tourist  
9 outpost camp or et cetera. So it would be on a very  
10 specific road location.

11 Q. Yes, I understand that, but you still  
12 didn't answer the question. The question was: In  
13 those specific locations the enhanced planning process  
14 would be kicked in if a concern was addressed, as Mr. -  
15 I don't want to go through the enhanced planning  
16 process again - but as Mr. Munro has explained to us in  
17 infinite detail?

18 MR. MUNRO: A. The answer is yes.

19 MR. YOUNG: A. Yes.

20 Q. In that case, when the enhanced  
21 planning process is invoked, alternative use management  
22 strategies would be looked at and the advantages and  
23 disadvantages of each would be evaluated?

24 A. Yes, correct.

25 MR. HANNA: Madam Chair, I'm looking now

1 at probably finishing before lunch tomorrow and  
2 depending on how late I can keep my eyes open tonight,  
3 I may be able to narrow it down even more than that.

4 MADAM CHAIR: Thank you, Mr. Hanna.

5 You will be prepared for tomorrow, Mr.  
6 Freidin?

7 MR. FREIDIN: I will be ready to cross  
8 tomorrow, Madam Chair. I'm just wondering if I can  
9 just indicate some of the documentation people should  
10 bring tomorrow.

11 MADAM CHAIR: Please.

12 MR. FREIDIN: The usual ones, the EA and  
13 Timber Management Planning Manual, all of the exhibits  
14 which have been filed by this panel, 844 and 1028 are  
15 the two exhibits from Panel 15 of the Ministry's case.  
16 volume 168 and 169 of the transcript. I think that is  
17 it. The Baskerville article has been dealt with today  
18 by Mr. Hanna.

19 MADAM CHAIR: Thank you, Mr. Freidin.

20 MR. COSMAN: Could we have a seventh  
21 inning stretch, Madam Chair, before we hear anything  
22 else?

23 MADAM CHAIR: Yes. We will take a  
24 10-minute break and we will reconvene at 4:10 to listen  
25 to Ms. Swenarchuk.

1 And the panel is excused for the day.

2 Thank you.

3 MR. YOUNG: Thank you.

4 --(Panel withdraws)

5 ---Recess taken at 4:00 p.m.

6 ---On resuming at 4:10 p.m.

7 MADAM CHAIR: Ms. Swenarchuk?

8 MS. SWENARCHUK: Madam Chair, Mr. Martel.

9 I have four issues related to procedural matters that I  
10 want to ask you about today.

11 The first one has to do with time for  
12 interrogatories on our supplementary witness statement  
13 to witness statement No. 1. This witness statement  
14 will be issued this Friday, August 17th. The problem  
15 we had with this statement was that the witness became  
16 ill in the time he had to prepare a statement for us  
17 and then had other commitments through the whole  
18 summer. In any event, it will be issued on Friday and  
19 you'll recall, the Board's rules do permit  
20 supplementary witness statements to be issued.

21 We are aware that the proposed starting  
22 date for our case is October 1st and I would like to  
23 propose an amendment to the interrogatory process in  
24 order for us to be able to turn around the  
25 interrogatories and have them back to the parties

1 before that start date of October 1st.

2 From this Friday to the end of September  
3 there are 44 days, so what I'm asking is that the other  
4 parties, that the Board approve a proposal that the  
5 other parties have 21 days from this Friday to submit  
6 interrogatories to us, that would be September 7th, and  
7 we then would return them within 15 days after that.  
8 So that would be an amendment to the usual 40 days that  
9 parties have for interrogatories down to 21 in order  
10 for them to be back in time to be of use to the parties  
11 before October 1st.

12 And I don't know if other parties want to  
13 comment on that before I go on to my next comment.

14 MADAM CHAIR: Have you discussed this  
15 with the other parties, Ms. Swenarchuk?

16 MS. SWENARCHUK: I notified them  
17 yesterday that I would be asking for this. I don't  
18 know whether they've had an opportunity up to this  
19 point to formulate positions.

20 MADAM CHAIR: Are there any objections  
21 from the parties attending today?

22 MR. FREIDIN: I don't think I would  
23 characterize what I say as objections at this  
24 particular point, Madam Chair. We haven't seen this  
25 document and, as you are aware, the rules provide 60



1 days' minimum notice period between the time of serving  
2 the statement and calling the evidence. The proposal  
3 of course will shorten that period. That period is  
4 provided in order to ensure that there is sufficient  
5 time for all parties to review the statement, not only  
6 just ask interrogatories, but to properly take  
7 instructions and prepare to cross-examine.

8 My suggestion that until such time as we  
9 see the witness statement and see exactly what its  
10 content is, how complex the issues are it is impossible  
11 to indicate that the 21-day period for interrogatories  
12 and the shortened period for review would not be  
13 prejudicial.

14 So what I'm suggesting, Madam Chair, is  
15 that we await the service of the document on Friday and  
16 allow the parties an opportunity to review the contents  
17 of those documents. It would be my submission that if  
18 any of the parties feel that as a result of shortening  
19 the time period it prejudices the preparation of the  
20 defense --

21 MS. SWENARCHUK: Defense?

22 MR. FREIDIN: I would call it the defense  
23 to respond to those witness statements, then it would  
24 be my submission that the Board did not grant the  
25 extension provided and that the proponent be required

1 to call that evidence at a later date.

2 Now, it may not be necessary to actually  
3 deal with that particular possibility, it may be on  
4 seeing that material that it's academic. I would ask  
5 that you not make an order abridging the time at the  
6 present time and allow the parties an opportunity to  
7 review the complexity of the documentation and consider  
8 its position further.

9 MR. COSMAN: Yes, Madam Chair, it is 44  
10 days until the commencement of Ms. Swenarchuk's case.  
11 I am of course sympathetic to the fact that one of her  
12 witnesses was ill and that is the reason why we are  
13 getting it so close to the start date of her case, and  
14 I certainly will try within the 21 days of receiving it  
15 to get questions for her.

16 My problem is, as you can appreciate,  
17 that I have clients who are all over the province and  
18 all over the north, it has to be circulated and we put  
19 in a process -- put in place a process for doing this  
20 and we felt we were pressed with the time we had, but I  
21 will try and do my very best to try to meet that  
22 deadline so that we will have the answers before the  
23 beginning of Ms. Swenarchuk's case on the beginning of  
24 October.

25 But I again, like Mr. Freidin, I think

1       that whether we can do it or not depends upon what we  
2       see, and we haven't seen it to date, and depending on  
3       what it is, the length of it, what is involved, who has  
4       to see it, whether we have to show it to a consultant  
5       to get questions. That's going to determine, you know,  
6       how fast we can turn it around.

7                   I will certainly try, but again I would  
8       ask you not to order an abridgement in the face of a  
9       request for an indulgence by Ms. Swenarchuk in this  
10      case, but I will certainly try.

11                   MADAM CHAIR: Thank you, Mr. Cosman.

12                   Ms. Seaborn?

13                   MS. SEABORN: We have no objection to the  
14      21-day period, Madam Chair.

15                   MADAM CHAIR: Thank you.

16                   MS. SWENARCHUK: Fine. We will proceed  
17      on that basis, Madam Chair. If any problems develop of  
18      course I will be very happy to assist the parties to  
19      whatever extent possible and hopefully we won't have to  
20      bring it back here for further discussion.

21                   My next question pertains to our witness  
22      statement No. 4 which will now be No. 5. This has to  
23      do with wood supply and environmental impacts of timber  
24      management.

25                   I discussed with counsel for the other

1 parties yesterday the fact that there are approximately  
2 300 references to this witness statement - this  
3 statement will go out in a couple of weeks - and we  
4 were very concerned about being able to provide our  
5 usual source materials for this size of source list,  
6 however, I think in fact we can deal with that without  
7 any unusual process.

8               However, I did want to discuss with you  
9 that part of this witness statement consists of  
10 analyses of 16 timber management plans now in effect.  
11 The consultant who prepared the report travelled to the  
12 various offices to see the plans, he doesn't have them  
13 and we don't have them, and that's the type of  
14 documentation that we are absolutely unable to provide,  
15 nor I think could anyone reasonably be asked to provide  
16 16 timber management plans. We all know how long they  
17 are. So I wanted to bring that to your attention and  
18 to the attention of the parties.

19               With regard to testimony on those plans,  
20 I believe our direct testimony can be done with very  
21 few references to the actual pages of the plans and we  
22 certainly have those pages to which we have to refer,  
23 but with regard to other parties in cross-examination,  
24 presumably the plans are available to Ministry of  
25 Natural Resources and the Ministry of the

1 Environment's. Many of them are FMAs so that they are  
2 certainly readily available to the Industry. Approved  
3 plans are also to be filed with the Ministry of the  
4 Environment's in Toronto and they are available to  
5 parties in that way. That describes our access to the  
6 plans as well, we don't have them, we won't be able to  
7 provide those.

8 MADAM CHAIR: And do you know if these 16  
9 timber management plans are currently at the Ministry  
10 of Environment's offices in Toronto?

11 MS. SWENARCHUK: They should all be and  
12 we can certainly verify that before the time. Again, I  
13 would say that in reality it seems to me the parties  
14 that would have an interest in examining each of these  
15 plans does have access to them.

16 Now, you'll also recall that we said  
17 earlier that in the process of our case we will also be  
18 providing counsel only to the Beardmore Lake Nipigon  
19 Watchdog Society and a witness statement has been  
20 prepared by them to be released and I wanted some  
21 clarification from the Board.

22 It would be my submission that this group  
23 and many other small groups who may wish to make  
24 submissions to the Board should not be subject to the  
25 same processes and requirements, for example



1       interrogatories, as are the major funded parties, and I  
2       simply wanted to clarify with the Board that that will  
3       be the case with regard to this group.

4               MADAM CHAIR: Is this group -- are you  
5       going to act as counsel for this group as part of your  
6       case from October through --

7               MS. SWENARCHUK: It's not as part of our  
8       case, but we are -- the Canadian Environmental Law  
9       Association, as opposed to Forests for Tomorrow, the  
10      Canadian Environmental Law Association is providing  
11      counsel to this party.

12              They are a small northern Ontario  
13      community group. For the convenience of the group and  
14      to reduce their expenses their witness, who is also a  
15      witness on the Forests for Tomorrow case, will testify  
16      to their witness statement in Toronto. But this is not  
17      part of the Forests for Tomorrow case.

18              MADAM CHAIR: Will it be done in  
19      conjunction with your case at the time that you have  
20      that witness --

21              MS. SWENARCHUK: At the same time, yes,  
22      and this is a question of finances for them.

23              MADAM CHAIR: And there is one witness  
24      only?

25              MS. SWENARCHUK: That's right. And I

1 would expect the direct evidence to be quite brief.

2 MADAM CHAIR: And this witness has  
3 prepared that part of the witness statement that  
4 applies only to the Beardmore group?

5 MS. SWENARCHUK: That's right.

6 MR. MARTEL: Did I get that clear, I  
7 think you said yes. My understanding, I think Mrs.  
8 Koven asked if this witness prepared part of this  
9 statement, I understood you to say that it was a group  
10 up there but the witness was in fact going to answer to  
11 their statement but was part of your case.

12 MS. SWENARCHUK: No.

13 MR. MARTEL: Is he preparing the  
14 statement?

15 MS. SWENARCHUK: He prepared the  
16 statement for that group and he'll be testifying to it  
17 for that group subsequent to his testimony for Forests  
18 for Tomorrow for our case.

19 MADAM CHAIR: And your question is not  
20 distribution of the witness statement and not the  
21 timing of that evidence but the interrogatory process?

22 MS. SWENARCHUK: That's correct.

23 MADAM CHAIR: In which panel would this  
24 occur?

25 MS. SWENARCHUK: This would come after

1       our Panel 3.

2                   MADAM CHAIR:   After Panel 3.

3                   MR. FREIDIN:   Madam Chair, how do you  
4       want to deal with continued submissions?

5                   MADAM CHAIR:   We want to hear from the  
6       parties, obviously.  I forget the timing of the Panel 3  
7       witness statement, when did the interrogatory process  
8       start for your Panel 3, or when will it start?  What's  
9       the date for that?

10                  MS. SWENARCHUK:  Well, that witness  
11       statement went out last week.

12                  MADAM CHAIR:   Yes.

13                  MS. SWENARCHUK:  This is not a question  
14       of timing so much as the -- I don't think timing is a  
15       problem with regard to the Watchdog Society's witness  
16       statement, that's not my request.

17                  MADAM CHAIR:   You're asking that there be  
18       no interrogatories?

19                  MS. SWENARCHUK:  In my submission for  
20       this group as for all small northern community groups  
21       the interrogatory process was not foreseen as a  
22       requirement to be imposed upon them.  It's a fairly  
23       onerous requirement, even in terms of cost, and it's  
24       our submission that they should not be subjected to  
25       this cost.

1                   MADAM CHAIR: Have the other parties  
2 reviewed the witness statement that the Beardmore  
3 group --

4                   MR. COSMAN: I haven't seen it yet.

5                   MS. SWENARCHUK: No.

6                   MADAM CHAIR: No.

7                   MS. SWENARCHUK: If I can just draw one  
8 more parallel, Madam Chair Mr. Martel. In my view this  
9 group is similar to the groups that have appeared  
10 before you in the northern community hearings and this  
11 group might well present this document in a northern  
12 hearing because we had provided counsel to them, and in  
13 order to reduce expense, the decision was made to  
14 produce the witness in Toronto. But I'm sure you agree  
15 that had they decided to do this, for example, in  
16 Geraldton they would not be required to submit to an  
17 interrogatory process beforehand.

18                   So in my submission it would be  
19 prejudicial to them simply because the man is appearing  
20 in Toronto to now subject them to a process that other  
21 groups and individuals from the north will not be  
22 subject to.

23                   MADAM CHAIR: Thank you. We understand  
24 the position of that group now.

25                   Why don't we -- the Board and the parties

1 will take a look at that witness statement. Can we  
2 expect to receive it before the end of the week?

3 MS. SWENARCHUK: Probably next week.

4 MADAM CHAIR: Because we are finishing on  
5 Wednesday night likely. Will we have a chance to see  
6 it before Wednesday night, because once we have all  
7 reviewed it we'll have a better discussion about  
8 whether or not we think it should be treated in the way  
9 you propose.

10 MR. MARTEL: Where is your expert witness  
11 from, can I just ask?

12 MS. SWENARCHUK: From Beardmore.

13 MR. MARTEL: From Beardmore?

14 MS. SWENARCHUK: That's right.

15 MADAM CHAIR: And he is an expert  
16 witness?

17 MS. SWENARCHUK: He's an expert witness  
18 for Forests for Tomorrow. He's a local community  
19 resident in the community --

20 MR. MARTEL: Forester or...?

21 MS. SWENARCHUK: Forester.

22 MR. MARTEL: Forester.

23 MS. SWENARCHUK: He's a member of the  
24 Watchdog Society.

25 MADAM CHAIR: Well, obviously -- Mr.



1 Freidin?

2 MR. FREIDIN: Although we are going to  
3 receive this document, we'll have a chance to review it  
4 and make submissions, I'm just wondering if we can have  
5 any indication now as to Ms. Swenarchuk's -- as to No.  
6 1, the nature of this document, whether it is a  
7 document giving expert evidence, whether this witness  
8 is going to give expert evidence in this Beardmore  
9 role, and whether there is any relationship between the  
10 evidence that is going to be given in Panel 3 and the  
11 evidence by this expert witness. In other words,  
12 whether there's some close relationship between the two  
13 panels and whether there's any relationship between the  
14 evidence to be given in the subsequent panel by this  
15 expert and the site visit in Geraldton?

16 MS. SWENARCHUK: Yes, there's a  
17 relationship between the evidence to be presented in  
18 the Forests for Tomorrow case and the evidence that the  
19 Watchdog Society wishes you to hear.

20 What was your other question?

21 MR. FREIDIN: Well, we're going to go on  
22 the site visit and it's your view that you want to have  
23 that as part of your case. I'm wondering whether the  
24 way you have -- I would just like some guidance at the  
25 moment as to whether the way you've arranged to present

1       these two panels is going to prevent interrogatories in  
2       relation to expert evidence to be given in relation to  
3       things that could be shown on the site visit, for  
4       starters.

5                   Ms. SWENARCHUK: Well, there's no witness  
6       statement prepared for the site visit, Mr. Freidin, nor  
7       would one expect one to be.

8                   MR. COSMAN: I think, Madam Chair, the  
9       way you have suggested is that the way to handle that,  
10      if we receive this statement before this panel breaks  
11      we're in a position to speak to you rather readily and  
12      easily and at that time we can look at it and make some  
13      decisions.

14                   MS. SWENARCHUK: We're going to have  
15      difficulty --

16                   MR. MARTEL: My concern is, do they even  
17      have the capacity to respond though--

18                   MS. SWENARCHUK: That is my position.

19                   MR. MARTEL: --in terms of finances and  
20      the ability to do all the things that those groups who  
21      are intervenors and who have had funding, are they in a  
22      capacity to respond to it. I understand your concern  
23      as well, Mr. Cosman.

24                   MR. COSMAN: But the answer to your  
25      question is another point I think. If I ask someone to

1 do a bunch of stuff that they don't have the capacity  
2 to do, they can say, I don't have the capacity to do  
3 it, that's very simple.

4 If I ask someone, what did you mean by  
5 this in your witness statement, that is clearly  
6 something they can do. So I think any relief that that  
7 organization wants would be in respect of the kinds of  
8 questions or interrogatories that would be put to them  
9 not from -- the right not to have to answer any  
10 interrogatories at all.

11 MADAM CHAIR: Is it possible --

12 MS. SWENARCHUK: But as soon as there are  
13 any interrogatories to answer requires distribution to  
14 30 parties and a considerable amount of cost in  
15 secretarial services. So all those issues immediately  
16 attend if they are being subjected to this process.

17 And, Mr. Martel, my point was exactly -  
18 thank you - as you expressed it, this is a very small  
19 group with very limited resources.

20 MADAM CHAIR: Well, if the costs though  
21 of responding to these interrogatories is one solely of  
22 the secretarial cost, that doesn't concern me, I mean  
23 we will look at that separately, if the cost has to do  
24 with legal counsel and costs that there simply isn't  
25 any money for at all, that is another issue.

1                   MR. COSMAN: It's certainly difficult to  
2 deal with it in the abstract, that's the problem I  
3 think we have. And if it's a question of the answer,  
4 one copy of it being given to the Board and the parties  
5 take copies from the Board, that's fine too as far as  
6 I'm concerned, as far as secretarial costs.

7                   MADAM CHAIR: Yes. I think there are  
8 ways of getting around that aspect of it. What we are  
9 saying, Ms. Swenarchuk, is we want to see the document.  
10 If we can see it before we finish next Wednesday we can  
11 probably make a decision for you.

12                  MS. SWENARCHUK: That is going to be  
13 difficult for us because we would need further  
14 consultation with them before we have a finished  
15 document to present.

16                  MADAM CHAIR: When do you think we will  
17 be receiving it, because we are all together the next  
18 five weeks travelling so we can certainly arrange a  
19 time to discuss this matter. It's not a fact that we  
20 can't discuss it for the next five weeks.

21                  MS. SWENARCHUK: If the Board needs to  
22 see the document to make this decision then, if we  
23 could come back to you next week with the date on which  
24 we could provide you with the document, perhaps we can  
25 move from there. I can't tell you that date at this

1 moment.

2 MADAM CHAIR: All right, thank you.

3 MR. COSMAN: There was a first part of  
4 that, I think there were two parts to Ms.  
5 Swenarchuk's -- I'm not sure if she is finished. First  
6 of all, she dealt with the exhibits to Mr. Benson's  
7 statement and the 16 plans that they are going to be  
8 relying upon, then we went into the question of the  
9 Beardmore Society. I don't know if Ms. Swenarchuk is  
10 intending to come back to that, or is the Board  
11 interested in submissions on that, or is there any  
12 relief being sought?

13 MS. SWENARCHUK: No, there isn't relief  
14 being sought. I'm simply in a position of wanting to  
15 inform the Board and the parties that those plans are  
16 not available to us, we cannot provide 16 management  
17 plans during the process.

18 MADAM CHAIR: Excuse me.

19 Ms. Seaborn, could you report to the  
20 Board next week if it's possible to tell us whether  
21 these 16 timber management plans are housed at the  
22 Ministry of the Environment's office, what their  
23 availability is, you will have to get the list from Ms.  
24 Swenarchuk.

25 MS. SEABORN: Also, Madam Chair, I would



1       like to speak with MNR about that as well to see which  
2       plans they have in Toronto. It may be that some of  
3       those plans on the list - I haven't seen the list yet -  
4       are actually at the regional offices of MOE rather than  
5       at the Toronto office, but I will look into that and  
6       let the Board know.

7                   MADAM CHAIR: All right, thank you.

8                   MR. FREIDIN: Madam Chair, if I can just  
9       advise Ms. Swenarchuk now that if she has an expert  
10      report relying on 16 management plans I would expect  
11      that there will be some interrogatories of the nature  
12      of: If this is the conclusion you draw from these  
13      plans, would you provide the references or the portion  
14      plan that you rely on in support of that statement.

15                   I'm just making the point to let you know  
16      that Ms. Swenarchuk, her expert, in order to deal with  
17      the interrogatories which might very likely arise have  
18      to be familiar enough with the plan or the portion of  
19      the plan being relied upon to provide particulars of  
20      that sort.

21                   MADAM CHAIR: Yes. Well, Ms. Swenarchuk  
22      has told us there will be the page reference to those  
23      plans, and if any more information is needed her expert  
24      will have to go to the MOE's office or your office to  
25      look at the plan.

1 MS. SWENARCHUK: Perhaps I could make the  
2 point here that part of what you're going to here about  
3 in this witness report is the difficulty the expert had  
4 in obtaining the necessary information from the  
5 Ministry of Natural Resources regional and district  
6 offices and I can only hope that if he's required to do  
7 that every cooperation will be afforded to him.

8 My last question for you relates to the  
9 scoping process and whether the Board has in mind some  
10 changes in this process and whether we should be  
11 looking at timing with regard to the first witness  
12 panel that we'll be leading. I believe the Board made  
13 comments earlier about the possibility of some change  
14 in this process. So I'm here to ask for clarification.

15 MADAM CHAIR: No, the Board doesn't have  
16 any changes in mind to the process. Obviously we are  
17 unhappy with it, we don't think it's worked very well.  
18 We think there might be some advantage to the party  
19 leading evidence to continue with the scoping process.

20 MS. SWENARCHUK: Yes.

21 MADAM CHAIR: And we are prepared to  
22 proceed with it.

23 MS. SWENARCHUK: Fine.

24 MADAM CHAIR: And for now -- well, that's  
25 right, we need -- obviously the first thing is better

1 attendance at the scoping session itself and some  
2 better exchange of information, and whether we will  
3 make changes as we go along perhaps, I don't know at  
4 this point.

5 MS. SWENARCHUK: With regard then to the  
6 commencement of our case on October 1st, the fact that  
7 the panel will be on the road right up to that time, I  
8 wonder how we could handle scoping for that panel and  
9 in fact I wondered whether it could be done in writing,  
10 if by a certain date parties could prepare statements  
11 of issue --

12 MADAM CHAIR: Well, the statements of  
13 issue we've had in the past haven't been very edifying  
14 in terms of their written comments. It seems to the  
15 Board that it was more useful to discuss -- the written  
16 statements were not fulsome obviously, they were very  
17 brief and they didn't tell the Board very much. I  
18 don't know how they helped the parties leading the  
19 evidence, but I think some discussion is necessary.

20 MS. SWENARCHUK: In that event, in that  
21 case then how do we plan for an opening of October 1st?

22 MADAM CHAIR: And remind me, Ms.  
23 Swenarchuk, what was our normal schedule for scoping;  
24 was it at least two weeks before the commencement of  
25 the evidence?

1 MS. SWENARCHUK: It became more and more  
2 compacted with time. I'm not sure that there was a  
3 precise time. What was in the original order, frankly  
4 I don't recall.

5 MADAM CHAIR: Mr. Martel and I will  
6 discuss this and we will set a date for scoping some  
7 time in September. We aren't travelling most weeks  
8 Monday or Fridays. I think we could very well do it  
9 here one of those days.

10 MS. SWENARCHUK: Thank you very much.  
11 Those are all of my questions.

12 MR. COSMAN: Madam Chair, as I indicated  
13 yesterday I have some questions and submissions with  
14 respect to the site visit coming up.

15 MADAM CHAIR: Thank you, Ms. Swenarchuk.

16 MR. COSMAN: Madam Chair, Mr. Martel, I  
17 along with the other parties received last week a  
18 letter dated August 1st from Ms. Swenarchuk which, for  
19 the first time, sets out what she would like us to see  
20 and what she would like the Board to see as part of the  
21 site visit at the end of the month.

22 The letter and the procedure raises some  
23 questions and it's for that reason that I ask for some  
24 direction from the Board because, in my view, the way  
25 in which a site visit such as this is handled is of

1 critical importance to the rights of our client and the  
2 kinds of evidence that this Board receives.

3 You'll recall that with respect to the  
4 site visits organized by the MNR during its case that  
5 the Board gave explicit directions on how those site  
6 visits are to be conducted. The parties had a right to  
7 be present, there was no editorial comment to be made  
8 during the visits, the Board members were entitled to  
9 factual responses to queries to their guides, but not  
10 argument and, in effect, a party advancing its position  
11 as part of those site visits and again, there was no  
12 cross-examination permitted.

13 Now, with respect to the proposed site  
14 visit by Forests for Tomorrow, the Board has yet to  
15 give directions and that is what I'm seeking here today  
16 because this will set a precedent not only for this  
17 visit perhaps but for subsequent visits requested by  
18 other parties; that is, if the present site visit is  
19 not covered by the same rules as that applied to the  
20 MNR arranged site visits.

21 In order to deal with this it's important  
22 to understand what a site visit is in the context of a  
23 hearing from the point of view of evidence because, as  
24 you know, the Board acts upon evidence in making its  
25 decision, the evidence that is put before it at a



1       hearing. Well, where does a site visit fit into this?

2               In the law of evidence there is a  
3       procedure that is sometimes called 'taking a view or  
4       the physical inspection of a place or thing outside the  
5       hearing room. And this is quite different from  
6       evidence in the hearing room itself.

7               I just want to put to you a statement  
8       from Mr. Justice Sopinka of the Supreme Court of Canada  
9       on what this means, this 'taking a view'. He says:

10              "The legitimate use of the results of an  
11              inspection of things and places outside  
12              the courtroom, however, has been the  
13              subject of considerable judicial  
14              dispute."

15              And I am referring to page 383 of his  
16       book on the law of evidence, and he quotes from a case  
17       saying:

18              "A view...", which is what you are doing  
19       during a site visit,

20              "A view is for the purpose of enabling a  
21              tribunal to understand the questions that  
22              are being raised, to follow the evidence,  
23              and to apply the evidence."

24              And he goes on to say that this dictum  
25       which is an English case was accepted by the Ontario

1 Court of Appeal and is the law of Ontario.

2 Now, the Board's own rules address this  
3 as well. Rule 39(1) of the Board's rules say:

4 "The Board may...", I underline that,  
5 "The Board may make one or more site  
6 visits or property inspections."

7 So in effect the Board by its rules has  
8 explicitly stated what the law of evidence would apply  
9 in any event to the Board.

10 Now. There's two important points. The  
11 Board may make one or more site visits, it's the  
12 discretion of the Board to do so and it's not the right  
13 of a party to have it. I can't as part of my case say,  
14 I want you to see something and you've got to come and  
15 see it, I can't tell that to a Board or to a court. A  
16 party makes a request to the tribunal and the tribunal  
17 has the right to say, I will or I won't. Sometimes  
18 they don't for specific reasons, sometimes they do if  
19 they think it's necessary for their understanding of  
20 the case. I'm not saying this isn't necessary, but I  
21 just want to make the point that it's discretionary on  
22 the part of the Board.

23 The second point is that a site visit is  
24 not the property of a party, it's not part of the case  
25 of a party. I don't say to the Board, I want you to

1       come and see this water filtration plant, I'm going to  
2       show you certain things and this is what you're going  
3       to see. And if there are four other parties and if  
4       they want a similar thing they have got to come back  
5       and show the Board the same thing or other aspects of  
6       the same location or facility on four other occasions.

7               A party makes a request to the Board, as  
8       Ms. Swenarchuk has done to you, to have a site visit -  
9       and we support her right to ask for that - and we also  
10      are going to support her request that you do conduct  
11      that site visit, that's not the issue. The issue is,  
12      what do you see and how is it handled?

13             And if I may turn to the letter you  
14      received last week from Ms. Swenarchuk, and I don't  
15      know if you have it handy, it's not really essential.

16             MADAM CHAIR: That's the August 1st  
17      letter?

18             MR. COSMAN: Yes, it is.

19             MS. SWENARCHUK: Excuse me one moment,  
20      Mr. Cosman. Perhaps it would be useful for me to rise  
21      now. I must state an objection to the fact that Mr.  
22      Cosman did not inform me, although I was speaking with  
23      him on other subjects, that he was going to raise this  
24      issue today and I have come here unprepared to respond.

25             I already disagree with various legal

1 positions he's stating. I am however going to require  
2 time to prepare a response; had I known this was being  
3 raised today, I would have come prepared. So I would  
4 like to put that on the record and ask the Board  
5 whether -- to rule this way: Either that this issue be  
6 discussed at a time when I have had some notice of it,  
7 or that if Mr. Cosman wishes to proceed today, I would  
8 be pleased if he did so I know what his concerns are, I  
9 be given some opportunity to prepare a response.

10 MR. COSMAN: Madam Chair, I didn't know  
11 yesterday that I was going to be making the submission  
12 today. I only knew today and I'm coming to that as to  
13 why. But I'm certainly prepared - although it's  
14 strange out of the mouth of Ms. Swenarchuk - I'm  
15 certainly prepared to, if she doesn't feel she can  
16 respond today, to have her respond at another time,  
17 that is not a problem at all.

18 I raise it -- in passing, I was leaving  
19 the room and she was talking to Mr. Freidin and telling  
20 him some things she was going to raise today of which I  
21 had no notice so I joined the conversation. She said,  
22 this is what we are going to raise, and I said what  
23 about the site visit and she said, well, there have  
24 been no problems about that to date.

25 And I contacted Mr. Cassidy and that's

1       why I'm rising today because that's not quite so and  
2       I'm coming to that at this moment.

3                   MADAM CHAIR: This situation has come up  
4       before at this hearing and the way we have handled it  
5       is we will set aside a dated to hear all the parties'  
6       submissions.

7                   MR. COSMAN: Perhaps I can tell the Board  
8       what it is that I'm seeking so that the parties can  
9       respond to it.

10                   Given that a site visit is not the  
11       property of a party and given that the Board has to set  
12       the rules under which the site visit is to take place,  
13       because of the letter and because of Mr. Cassidy's  
14       attendance today - and he was at 6:00 a.m. in Thunder  
15       Bay not knowing he would be going back so soon, and in  
16       the bush walking the route or travelling the route  
17       rather than Ms. Swenarchuk has proposed in her letter  
18       which we received last week, so he arranged to go up  
19       with the client, went through the route, and it's  
20       because of that that I rise now.

21                   In the list of -- in the letter, the  
22       August 1st letter there is some language used that I  
23       suggest goes beyond what the MNR said. There is talk  
24       about heavy damage to a site, site degradation. So in  
25       any event because of speaking to Mr. Cassidy, he faxed



1 to me today a list of proposed sites that our client  
2 would wish you to see in the context of this site  
3 visit.

4 Now, alternatively we would request that  
5 you see it on another occasion and that, in my view,  
6 would be a waste of this Board's time. The proposed  
7 stops would take 45 minutes, that is a total estimated  
8 time of all stops having Mr. Cassidy and  
9 representatives of our clients having gone the route in  
10 question and these are, Madam Chair, what Mr. Cassidy  
11 would like you to -- or what my clients would you like  
12 you to see in the context of this site visit (handed)  
13 so that is the first thing.

14 The second thing, we would like certain  
15 rules and let me tell you what we are asking for: 1,  
16 that any guide at such a site visit should deal in a  
17 factual not an editorial or adversarial advocacy way  
18 with the process; 2, that there be an opportunity by  
19 parties other than -- by parties without editorializing  
20 again to point out things that they want the Board to  
21 see during the site visit; 3, that the persons present  
22 other than the one representative of the Forests for  
23 Tomorrow have the right to respond factually to the  
24 Board's questions in the same way that the Board was  
25 able to question such guides or persons at other site

1 visits; and, fourthly, that there be no  
2 cross-examination on the site visit as with the MNR  
3 visits, and this would be reserved for evidence at the  
4 hearing.

5 Now, I know I have raised a number of  
6 matters to which the parties may wish to respond. I  
7 raise it today, as I say, because Mr. Cassidy faxed the  
8 document which I have handed to you late this morning  
9 and I pulled the law of evidence together and the  
10 submissions to put it before you knowing that Ms.  
11 Swenarchuk was going to be here today.

12 Now, this may be something that you may  
13 wish to consult your own counsel on since it's a legal  
14 procedural issue as to what a site visit is all about  
15 but, in any event, subject to what anybody else may  
16 have to say, that is what I'm requesting in respect of  
17 the site visit at the end of the month.

18 MADAM CHAIR: Thank you, Mr. Cosman.

19 The Board will hear submissions from all  
20 the parties on this matter on Monday at four o'clock.

21 Does anyone else wish to address the  
22 Board this evening? Mr. Freidin?

23 MR. FREIDIN: Yes. Hopefully two short  
24 matters. First, in relation to the order of  
25 cross-examination, I spoke to Ms. Swenarchuk and she

1 indicated that she does not object to the Ministry of  
2 Natural Resources cross-examining last in relation to  
3 the panels after the Industry's case, so I think that  
4 probably puts an end to that particular issue, Madam  
5 Chair, based on your comments.

6 MADAM CHAIR: Yes, it does, Mr. Freidin.  
7 The Board is prepared to accept any agreement among the  
8 parties on a procedural matter such as this.

9 MR. FREIDIN: And the last matter was the  
10 matter of Espanola hearing and the conflict with the  
11 election date. I think perhaps unfortunately I have to  
12 recommend that there be no change at this time and that  
13 we'll have to sit on that date.

14 I have been advised that there are  
15 difficulties with notices and French translations and  
16 getting information to people in sufficient time for  
17 the notice to be effective.

18 We have the other three days. I think  
19 when we were in Fort Frances I think the Board  
20 indicated that if there was a large group of people  
21 there was a possibility of flying home on Friday. The  
22 Ministry of Natural Resources is willing to do that  
23 should there be a conflict or a problem arising because  
24 of the election date, but...

25 MADAM CHAIR: Yes. I think we will just

1 have to be prepared. If for some reason a party has a  
2 good argument about why it can't show up on election  
3 day to appear before us, then we will have to hold over  
4 for a session, and that doesn't require legal notice.

5 MR. FREIDIN: I may have to provide the  
6 refreshments on a quiet evening in terms of witnesses.

7 MR. COSMAN: You'll have to buy them a  
8 day in advance.

9 MR. HUFF: That will be a problem in  
10 Espanola.

11 MADAM CHAIR: All right. Thank you very  
12 much. We will begin at nine o'clock tomorrow morning.  
13 Thank you.

14 MR. HANNA: Madam Chair, I'm sorry.

15 MADAM CHAIR: Mr. Hanna?

16 MR. HANNA: There is one other matter,  
17 sorry Mr. Martel.

18 MR. MARTEL: I knew it would be you.

19 MR. HANNA: It would be me. Madam Chair,  
20 there is just one matter. I have spoken to Mr. Freidin  
21 and he has attempted to get this information for me,  
22 but I think the Board perhaps should be aware of it  
23 also.

24 Dr. Pearce was scheduled to submit his  
25 report I believe early in August and it wasn't clear

1 from the terms of reference and the material provided  
2 by the Ministry whether or not that response was going  
3 to be made public.

4 Mr. Freidin has indicated to me that he  
5 would give me a response in that respect and I expect  
6 he'll do that, but I think the point is simply that if  
7 that information is not forthcoming, I think there may  
8 be submissions made as to reasons why that might be  
9 important for this Board to have before it.

10 MADAM CHAIR: Have before it, you mean a  
11 copy of Dr. Pearce's report?

12 MR. HANNA: Yes, Madam Chair.

13 MS. SWENARCHUK: While we are on that  
14 topic, Madam Chair, my client reminds me that I believe  
15 the Board as assured some time in the past that the new  
16 timber production policy as it was produced would be  
17 filed with the Board, and I wonder if we could have  
18 some sense from Mr. Freidin - since the Ministry's  
19 annual report of 1989 I think spoke to completion of  
20 it - when we will be able to see this policy.

21 MR. FREIDIN: I have no information,  
22 Madam Chair.

23 MS. SWENARCHUK: Perhaps you could obtain  
24 it for us?

25 MR. FREIDIN: I can undertake to speak to



1 my client and provide whatever information I can to Ms.  
2 Swenarchuk and provide it to the Board.

3 MADAM CHAIR: All right, thank you, Mr.  
4 Freidin.

5 MS. SWENARCHUK: Yes. I'm informed that  
6 the Minister said in the estimates of spending for this  
7 year that it would be provided to the Board, so  
8 presumably it's on its way and we would just like to  
9 know when.

10 MR. FREIDIN: There was a commitment to  
11 make it available to the Board upon completion, there  
12 is no question about that.

13 MADAM CHAIR: All right. You might  
14 report to the Board as well as Ms. Swenarchuk if you  
15 have an idea of the timing of that, Mr. Freidin.

16 MR. FREIDIN: No problem, Madam Chair.

17 MADAM CHAIR: Thank you.

18 ---Whereupon the hearing was adjourned at 4:55 p.m., to  
19 be reconvened on Thursday, August 16th, 1990,  
commencing at 9:00 a.m.

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